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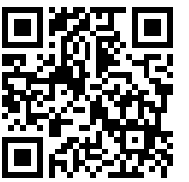

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Parliamentary History.

VOL. XXV.

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THE

Parliamentary History

OF

ENGLAND,

FROM

THE EARLIEST PERIOD

TO

THE YEAR

1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED DOWNWARDS IN THE WORK ENTITLED,

"THE PARLIAMENTARY DEBATES."

VOL. XXV.

COMPRISING THE PERIOD

FROM THE FIRST OF FEBRUARY 1785, TO THE FIFTH OF MAY 1786.

LONDON:

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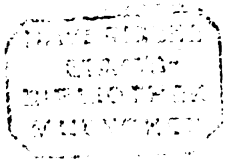

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1776.	- - - - - - - - York	William Markham.

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1769.	Bishop of St. Asaph	Jonathan Shipley.
1783.	- - - - - Bangor.....	John Warren.
1774.	- - - - - Bath and Wells	Charles Moss.
1782.	- - - - - Bristol.....	Lewis Bagot.
1785.	- - - - - - - - - -	Christopher Wilson.
1754.	- - - - - Chichester	Sir William Ashburnham, bart.
1781.	- - - - - Coventry and Litchfield	Hon. James Cornwallis.
1783.	- - - - - St. David's	Edward Smallwell.
1781.	- - - - - Ely	Hon. James Yorke.
1778.	- - - - - Exeter.....	John Ross.
1781.	- - - - - Gloucester	Samuel Halifax.
1746.	- - - - - Hereford.....	Lord James Beauclerk.
1782.	- - - - - Landaff	Richard Watson.
1779.	- - - - - Lincoln	Thomas Thurlow.
1777.	- - - - - London	Robert Lowth.
1761.	- - - - - Norwich	Philip Yonge.
1785.	- - - - - - - - - -	Lewis Bagot.
1777.	- - - - - Oxford.....	John Butler.
1769.	- - - - - Peterborough	John Hinchcliffe.
1774.	- - - - - Rochester	John Thomas.
1782.	- - - - - Salisbury	Hon. Shute Barrington.
1781.	- - - - - Winchester.....	Brownlow North.
1781.	- - - - - Worcester	Richard Hurd.
1768.	- - - - - Carlisle	Edmund Law.
1776.	- - - - - Chester	Beilby Porteus.
1771	- - - - - Durham	John Egerton.

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LORD HIGH CHANCELLOR.

1783. Edward, Lord Thurlow.

PRINCIPAL SECRETARIES OF STATE.

1783. Dec. 23. Thomas, Lord Sydney, vice Earl Temple.
Francis, Marquis of Carmarthen, vice Lord North.

SPEAKER OF THE HOUSE OF COMMONS.

1780. Oct. 31. Charles Wolfran Cornwall, esq.

COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH TREASURER OF ENGLAND.

1783. Dec. 27. Right Hon. William Pitt, and Chancellor of the Exchequer.
James, Marquis of Graham.
John Buller, esq.
Edward James Elliot, esq.
John Aubrey, esq.

MASTER OF THE ROLLS.

1784. Mar. 27. Sir Lloyd Kenyon, bart. afterwards Lord Kenyon.

ATTORNEY GENERAL.

1784. Mar. 30. Richard Pepper Arden, esq.

SOLICITOR GENERAL.

1784. April 7. Archibald Macdonald, esq.

LORD ADVOCATE OF SCOTLAND.

1784. Ilay Campbell, esq.

SECRETARY AT WAR.

1783. Dec. Sir George Yonge, bart.

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Parliamentary History.

25 GEORGE THE THIRD, A. D. 1785.

SECOND SESSION OF THE SIXTEENTH PARLIAMENT OF GREAT BRITAIN.

[*Continued from Vol. XXIV.*]

*PROCEEDINGS relating to the Westminster Scrutiny.**] Feb. 1, 1785. Mr. Welbore Ellis moved, that the entries in the Journal of the 8th of June last, of the order, directing "That the high bailiff of the city of Westminster do proceed in the scrutiny for the said city with all practicable dispatch," and also, of the communication thereof to the said high bailiff, might be read. The same being accordingly read, he desired to know of the two gentlemen at the table, if they either had heard any thing from the high bailiff, or knew of any certificate of a return for Westminster that had been delivered in. The Speaker having put the question to Mr. Hatsell and Mr. Ley, received their answers, declaring that they neither knew of any such certificate, nor had heard any thing from the high bailiff. Mr. Ellis then moved, "That the high bailiff of Westminster do attend this House upon Friday next, in order to give an account to the House of what he has done in pursuance of the Resolution of the House, communicated to him at the bar on the 8th of June last:" also, that Francis Hargrave, esq. and Arthur Murphy, esq. do attend the House at the same time." The said motions were agreed to.

Feb. 2. Colonel *Fitzpatrick* said, he had a petition to present from certain of the electors of Westminster, complaining of their having been deprived of their legal franchises, and that the city of Westminster was still suffered to remain unrepresented in that House. As the people had been given to understand from authority, that some steps towards a general reform in the state of the representation would soon be taken, he trusted, if those who had signified their wishes for a reform were sincere in what they had said upon that subject, that he should have their support in obtaining that relief for the petitioners which they appeared to him to be justly entitled to. He said farther, that it was necessary for him to apprize the House, that the petitioners had not presumed to question its justice, or to hazard any reflection on the proceedings

* Agreeably to the Resolution come to by the House on the 8th of June last, [see Vol. XXIV. p. 938.] the high bailiff of Westminster proceeded with the scrutiny during the remainder of the session, and also during the recess. Not quite two parishes out of the seven into which Westminster is divided, were finished when the parliament met the second time, and yet the scrutiny had then continued for eight months. It was calculated (taking into consideration that one of the parishes already scrutinized was comparatively small) that the business already gone through was not more than an eighth of the whole. Of the votes on the side of Mr. Fox, seventy-one had been objected to in the first parish, and the objections made good only against twenty-five: in the same parish, out of thirty-two of the voters for sir Cecil Wray, which were objected to, twenty-seven were declared illegal. In the second parish, out of two hundred objected to, Mr. Fox lost eighty; sir Cecil Wray out of seventy-five, at that time objected to (for the examination was not closed) had sixty struck off. In this state did the Westminster scrutiny again come before the House at the opening of the second session.

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of the last session; the House, therefore, would have the goodness to understand, that the expressions of an impassioned nature applied solely to the conduct of the high bailiff antecedent to the determination of the House. The Petition was then read, setting forth, "That, notwithstanding the parliament is now assembled in its second session, after a long recess, the city of Westminster, equally to the surprise and concern of the petitioners, is still without any representatives in parliament: that, at the opening of the present parliament, after the electors of Westminster, according to the exigency of the King's writ for meeting his people in parliament on the 18th day of May last, and conformably to law and ancient usage, had duly chosen two citizens to represent the same, the said electors were, by an act equally illegal and unprecedented, deprived of their just and valuable right to a share in the legislation of their country, through their representatives chosen into the Commons House of Parliament, the high bailiff of Westminster, though solemnly called upon, having refused to make any return of citizens to serve in parliament for the said city: that the petitioners, impressed with a high sense of the value of that branch of the legislature, which they have been taught to consider as the natural guardian of the rights of the people, from whom it derives its power, and to whom it is accountable for the execution of the trust, could not behold, without great indignation, an attempt so insulting to the dignity of parliament, which has been thereby rendered maimed and incomplete in its construction, as well in direct contradiction to the King's writ of summons for meeting his people in a full parliament, as to the manifest degradation of the character and importance of that august assembly; nor can the petitioners, consistently with their duty to themselves, with a just regard to the common rights of their fellow subjects, and what they owe to their posterity, omit any proper occasion to express their honest sentiments, and still, as freemen, though deprived of the sacred distinction which makes men free, prefer their just complaints against a proceeding so unprecedented in the annals of parliament, so full of danger in the example, and which is not more a grievous injury to the interests and privileges of the citizens of Westminster, than utterly subversive of the rights of the whole constituent body of this country: that the salutary wisdom and honest vigilance of the House of Commons, to check the progress of corruption, and to guard against the influence of the ministers of the crown, in the election of members to serve in parliament, will have become altogether fruitless, if it may happen that, after electors shall have withstood every unconstitutional attempt to dictate particular persons to their choice, and shall have exercised their suffrages freely and independently, a new and extraordinary device may be resorted to, by means of which it may be in the power of those who have, or who, by secret and corrupt management, may obtain an undue influence over a returning officer, to exclude from parliament, and to subject to an expense which might be ruinous to the most ample fortune, under the pretence of a scrutiny, any person, the exertion of whose abilities may be peculiarly necessary to the interests of his country, but whose attachment to the true principles of the constitution may have rendered him an object of extraordinary persecution: that there never was a period in which the presence and assistance of its members in parliament was more essential to the peace and prosperity of the city of Westminster: that, during the last session of parliament, beside many important regulations of trade and revenue, various new and burthensome taxes, to the amount of near a million per annum, were imposed on the nation, a very considerable part whereof hath been, and must continue to be paid by this city: that the petitioners have always understood it to be a fundamental principle in the constitution of this government, that the money of the subject could not be taken without his consent, a position which would have more sound than sense or meaning, if the opportunity of giving their voices in the grant of money could be withholden from those places which are invested with the privilege of sending members to parliament; this dear and inestimable privilege, however it may have been disregarded in the imposition of the late taxes upon the city of Westminster, when they had no opportunity of giving or withholding their consent, the petitioners yet claim and insist upon it as their indubitable right, at . the heavy grievance of which they complain will, indeed, be very severely aggravated, if suffered to remain during any farther part of the present most important session of parliament, in which objects of the deepest concernment to all

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his Majesty's subjects, and peculiarly interesting to those in whom the rights of representation are vested, have been announced to be brought forward under a solemn call for the strict attendance of all the representatives of the people: that the necessity for regulating and amending the police of the city of Westminster is universally felt, and loudly calls for immediate attention; and to whom, in this, as in all other parliamentary business in which the citizens of Westminster are particularly interested, it is natural for them to look to for counsel and assistance, but to those whom they have chosen to represent them in parliament? That the petitioners are advised, and have heard with great satisfaction, that efficacious measures are likely to be proposed early in the present session of parliament, under the auspices of one of the most confidential servants of the crown, to meliorate the present defective state of the representation of the United Kingdom, but the petitioners humbly presume to suggest, that it will appear but little consistent with professions of future purity and reform in the representation of the Commons, to suffer the actual and subsisting representation to remain curtailed and imperfect even according to its present form, and to permit with silence and impunity a deep and dangerous wound to be given to those first principles of the constitution, upon which alone a free and independent parliament can be founded; and the petitioners cannot but deem it an unfortunate casualty, that, at a time when other bodies of men are entertaining the most sanguine expectations of the extension and security of their inherent and dearest rights, the city of Westminster should, without any act of delinquency even alleged, be suffering the penalties of actual disfranchisement; and the petitioners are more forcibly led to this consideration, by reflecting that the representation of Westminster is not merely nominal and unsubstantial, like that of boroughs where there are few electors, or where, under the appearance of an election, an hereditary right to a seat is preserved in a family, or assigned at pleasure, (an evil which the petitioners presume will be a main object of attention in the proposed reform) but involves in it the dearest interests and most important concerns of many thousand citizens, inhabitants of this extensive, populous and flourishing city: that the scrutiny, which is still carrying on in the city of Westminster, hath lasted for a period of nearly eight months, and judging by the progress already made, it appears extremely probable that, should it proceed with the same pace, and the petitioners do not understand that any complaint hath been made of undue delay, the present parliament may be advanced to its last session by the time the high bailiff has decided on his poll: that the petitioners are well informed, that every prediction of the futility, insignificance, expense and injustice which must attend the proceedings of such a court, hath been abundantly verified by the event; but the petitioners forbear any detail of the progress or consequences of a measure, the origin and principle of which they solemnly protest against, as contrary to the spirit and practice of the constitution, to the plainest provisions both of common and statute law, and to the rights and privileges of the electors of Great Britain: for the same reason, the petitioners forbear to meddle with the motives, reasons, or imaginations, alleged by the high bailiff of Westminster in defence of his conduct, or with the claims and pretensions of the respective candidates; but the petitioners do humbly pray, that the House will immediately take such measures as shall restore the city of Westminster to its undoubted right of having its representatives in parliament, there being no farther or other relief suited to the nature of the injury complained of in the premises, or which can be satisfactory to the petitioners."

Ordered to lie on the table.

Feb. 4. Mr. *Ellis* moved, that the order of the day for the attendance of the high bailiff might be read: but he said at the same time, that, contrary to his former intention, he did not mean to enter into an examination of the returning officer this day, or institute any proceeding relative to the Westminster election before Tuesday next. In thus postponing the consideration of a most important business to a future day, he hoped no one would imagine that he intended to abandon it; his reason for proposing the delay was, that the right hon. gentleman (Mr. Fox), who was most nearly interested in the decision, and the want of whose abilities in the discussion of such a question would be a loss to the House, had met with an unfortunate accident, which kept him at present confined to his apartment; he had strained the tendon Achillis, and was not

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now able to stir abroad. He understood, however, that his surgeon was of opinion, that he would not suffer a long confinement from this accident; that three or four days rest would probably so far reduce the swelling and remove the pain as to enable him to attend his duty in that House.

Mr. *Pitt* said, he did not mean to oppose the motion: he himself was one of those who would lament, if, in discussing the business of the Westminster election, the House should not receive the assistance of those abilities which so eminently distinguished the right hon. gentleman who was absent. If any accident had happened to him, he was sorry for it; and hoped that the inconvenience arising from it to the right hon. member himself, would not be of long continuance. But in giving way to the motion, he would not give up his claim to the merit of renouncing that advantage, which the absence of the right hon. member would give him, in agitating the question of the election; nor could he help remarking, that a motion for delay came not with a good grace from those who charged another honourable person, not less interested in the return for Westminster than the right hon. gentleman who was absent, with a studied intention to spin out the scrutiny to an unreasonable length: the delay did not now rest with any other than the right hon. member himself. When a petition was presented to the House a few days ago from certain electors of Westminster, complaining that their city was not represented in parliament, they did not surely recollect that they were ably represented by the burgess for Kirkwall, whose absence on this day was to create a delay that would for some days longer stop an inquiry into the cause why Westminster remains unrepresented. A grave and high authority, that of the right hon. member who made the motion, had said that the right hon. gentleman who was absent, was the person most nearly concerned in the decision of the election; if he was so very nearly concerned, then it was not with the best grace that the electors had complained that they were not represented; for while they had the aid of the shining abilities of the right hon. member, they might be truly said to have not only a representative, but a most able one.

Mr. *Thomas Pelham* replied, that with whatever propriety he, who was an enemy to reform in parliament, and was of opinion, that a member elected locally, represented generally the Commons of Great Britain, and not merely his own constituents, might think that a burgess for Kirkwall represented Westminster, it was with a bad grace indeed that the Chancellor of the Exchequer, who would wish to be thought the sincere champion for parliamentary reform, hazarded the assertion of a similar opinion. For his own part, representing, as he did, a great county, and standing upon a popular election, he felt that the question of the Westminster election did not near so intimately concern the right hon. member who was absent, as it did the Commons of Great Britain at large; it concerned himself as much as it did the right hon. member; it concerned every man who would venture to stand upon popular principles for the honour of representing counties; it concerned the whole body of the people at large. Therefore, when he was ready to agree to the proposed delay, it was not in empty compliment to an absent member, as personally interested in the business, but because, acquainted as he was with the unbounded abilities of that gentleman, he thought the Commons of Great Britain would act unwisely, if, by precipitating a question of so much moment, they should deprive themselves of the assistance of so able a member. The Chancellor of the Exchequer expected credit for the sincerity of his wishes to procure a reform of the representation; but the people had still to look for the fruits of those wishes; and they had no very great encouragement to expect to see them, when they considered the measures that some members had countenanced, in order to keep those out of parliament who had a right to sit in it; and, instead of what the right hon. member called a bad or defective representation, to leave them no representation at all. The right hon. member maintained, that representatives were bound to obey the instructions of their constituents; but he took care that the electors of Westminster should have no members to whom they could send their instructions. This, he thought, argued no good to the cause of reform, to which the right hon. member affected to be so very sincere a friend. To the motion for a delay of the proceedings in the Westminster business, he intended to give his support, not because the right hon. member who was absent, was more nearly concerned in it than himself, or any other country member in

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the House, but because he was convinced that himself, and other country gentlemen, would derive so much information from the right hon. member when he should be able to attend, that they must be the better able to determine what side to take, when a question should come before them for deciding upon the steps that had been already, and still remained to be taken relative to the Westminster election.

Mr. *Pitt* said, that when he took the liberty to remark that the right hon. gentleman who was absent, was most nearly concerned in the business to which the order then under consideration related, he did not advance it upon his own, but upon the authority of the right hon. gentleman who made the motion. As to his professions relative to a parliamentary reform, he cared not how often they were examined, as he knew that the more they were sifted, the more it would appear that they were sincere. One thing, however, had dropped from the respectable member who had spoken last, which he could not pass over unnoticed; he had ascribed to him the doctrine, that representatives are bound to obey the instructions of their constituents; but he assured the hon. gentleman he never laid down such a doctrine in that House, or elsewhere; nay, that he condemned and reprobated such a principle; he had always said, that though a member was bound to pay particular regard to the local interests of the place which had chosen him, yet he must consider himself as the representative of the whole kingdom.

Mr. *Burke* said, that the right hon. gentleman seemed to treat with unbecoming levity the account of the accident that had happened to his absent friend: now, when two persons were in a state of hostility, or, to use a milder expression, in a state of competition or rivalship, there was a certain degree of delicacy to be observed by both towards each other; there was a decorum, that could not be transgressed by either, without dishonour. If two generals, rivals for fame, commanded opposite armies in time of war, which was the most hostile kind of competition, and one of them was wounded in an engagement, the other would certainly pass for a man of no elevated mind, who could treat with levity the wounds of his rival. If humanity would not make him drop a tear over his misfortunes, generosity and liberality would not suffer him to make choice of that particular moment to throw out sarcasms against him. And yet it was in somewhat similar circumstances that the generous and liberal soul of the Chancellor of the Exchequer seemed to feel a pleasure in finding in the accident that had befallen the right hon. gentleman, a handle for sarcastically charging his right hon. friend with being the cause of the delay: he would leave him in full possession of such a pleasure, in the enjoyment of which, he would venture to say, he would not be envied by any man in the House. The right hon. gentleman seemed to doubt that his right hon. friend had really received any injury from what had happened to him. "For my part, (said Mr. Burke) I can assure the House that I saw my right hon. friend, that he leaned upon my arm, and was unable to walk without support; but if my assertions do not deserve credit, the surgeon who attends my right hon. friend may be sent for, and he will satisfy the House, that in consequence of the accident that has happened, my right hon. friend is not able to walk across his room alone." Mr. Burke then declared, that Mr. Fox felt more concern on account of the delay, than of the pain occasioned by his misfortune; and he could say, for one, that nothing could be farther from his own wishes, and he believed he might say the same for all his friends, than unnecessarily to postpone the consideration of a business, which, for the honour of parliament, could not be too speedily brought to a conclusion.

The order was then discharged, and the high bailiff, together with Messrs. Hargrave and Murphy, were ordered to attend on Tuesday.

Feb. 8. The order of the day being read, the high bailiff was called to the bar, and directed by the Speaker to give an account to the House of what he had done in pursuance of the Resolution of the House, communicated to him on the 8th of June last. The high bailiff apologized by saying, that he was not prepared to give a general narrative of his proceedings, but was ready to answer any particular questions that might be put to him. The Speaker then desired him to give a short account of his proceedings.

High Bailiff. I proceeded in the scrutiny in consequence of the orders of this honourable House. Some days were oc-

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cupied in the settling of regulations. I then proceeded, from day to day, always giving personal attendance. It began in the parish of St. Anne, where we scrutinized about 100 votes. We then proceeded to St. Martin's, where we have already discussed about 212. In the parish of St Anne, 25 votes were struck from the poll of Mr. Fox, and 27 from that of sir Cecil Wray. In St. Martin's, about 80 have been struck from Mr. Fox's poll, and about 60 from sir Cecil Wray's.

Mr. *Ellis.* When did the scrutiny begin? On the 16th of June we proceeded to the scrutiny of the first vote; the previous time being taken up in forming rules.—What were the total numbers of the poll of the parishes of St. Anne and St. Martin, and also of the whole city and liberty? In St. Anne there polled 906; in St. Martin 2,268; and in the whole poll, 12,200.—What were the regulations of which you speak? They related to the hours of attendance and modes of proceeding. They were in general punctually complied with; though now and then disputes arose about the mode of them.—Did you meet with any obstruction or unnecessary delay in your proceeding; and if any, and from whom? The principal delay was in long examinations, in still longer cross-examinations, and in long arguments drawn therefrom. —Can you administer an oath to witnesses? No; certainly not.—Can you enforce the discovery of truth otherways than by cross-examination? I do not know that there are any other means.—Have you any power to summon constables to attend your court of scrutiny for the preservation of rule and order? I have no compulsory power to order the attendance of any body.—Is the attendance of witnesses, then, voluntary? Entirely so.—Do you consider yourself in this scrutiny as acting under the authority of the order of this House, or by virtue of your precept? I consider myself as acting by virtue of the orders of this House.—I ask whether now, by the progress made in this scrutiny in this space of time, and the experience you have had, you would be satisfied to make a return, if you did not consider yourself under restraint of the order of this House? The scrutiny commenced under the order of this House, and I think myself bound to continue it until I receive farther orders. With respect to my being content, if the House shall think fit to put an end to the scrutiny, I shall consider myself as happily released from a very burthensome task.—I must remind you of what you said in the outset, that there were suggestions of numbers of bad voters having intruded on the poll. I now ask you whether the experience you have had has not so far obviated the doubts which you entertained, or the suggestions which were made to you, as to entitle you to make a return with satisfaction to your own mind, if you were no longer under the injunctions of this House? I should be perfectly satisfied to make the return if so ordered by this House. With respect to any suggestions, they did not relate to those parishes we have scrutinized. I apprehended that the candidate and his friends who demanded the scrutiny, expected far greater success in the parishes of St. Margaret and St. John than elsewhere; and I imagine, if they fail there of not carrying a great majority in balance, they would think it prudent to decline any farther prosecution of the scrutiny.

Mr. *Fox.* Was not one of the grounds of suspicion on which you granted the scrutiny, the great increase of voters in this election beyond those who voted in the election of Trentham and Vandeput? It was so.—Is not the increase of voters in St. Anne's in proportion to the general increase on the poll? There voted in St. Anne's, on the former election, 710; on the late election, 906: on the former election, the sum total of the poll was 9,400; on the late election, 12,200.

Do you know of any increase of houses in St. Anne's, to account for the increase of voters? No.

Mr. *Ellis.* Would you be satisfied in your mind, from the experience you have had, to make a return in the present stage, without the direction of the House? Doubtless I should be satisfied in making my return, when I am authorized.—I mean to ask you, whether, if the constraint of the House was withdrawn, and you were totally at liberty, would you be content to make your return now, from the experience you have had? I should then require some time to consider of it, in justice to the party who demanded the scrutiny.—What time would you require? It must depend upon circumstances. I should hear the reasons of the party who demanded the scrutiny.

Lord *North.* How many voters in the parish of St. Anne were objected to by each party? Sir Cecil Wray objected to

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71, and struck off 25; Mr. Fox to 32, and struck off 27.

Lord *Mulgrave.* How many voted in St. Anne's for each party? For Mr. Fox, 545; for sir Cecil Wray, 364.—What parish do you carry the scrutiny to next? To the joint parishes of St. Margaret and St. John.—Why, since you believed that the suspected votes lay there, not begin in these parishes? I began in St. Anne's, on account of the precedent I had in the former scrutiny; and also because, being one of the smallest, it would be soon gone through. Early in the scrutiny I was called upon to settle the order; I proposed to go to the parishes of St. Margaret and St. John's next; but this being objected to by Mr. Fox as a partial arrangement, I agreed to determine it by ballot.

Mr. *Sheridan.* Did you not hear it given in evidence at the bar of this House, that a very active inquiry had been carried on in these parishes on the part of sir Cecil Wray, during the poll; and do you not think it a very good reason for Mr. Fox to consider it as a partial arrangement to go so soon to a parish where sir Cecil Wray was prepared so much in advance? I was very ready to concede as far as possible to show my impartiality.—Have you not reason to believe that sir Cecil Wray's friends expected a great part of Mr. Fox's majority would be reduced by the scrutiny in St. Margaret's and St. John's? I have heard it asserted.—Under what authority would you conceive yourself entitled to act, if the order of this House was withdrawn? If the authority of this House was withdrawn, I should conclude that I had no authority at all; but I might take time to consider of my return, and not make it instantly.

Lord *Mulgrave.* Were any propositions made for shortening the proceedings; and if any, what were they, and by whom? There have been one or two papers delivered into the court of scrutiny by the agents of sir Cecil Wray; but I cannot describe them. They were canvassed, but not agreed to.

Lord *Palmerston.* What was the authority under which you deemed yourself to be acting, when you granted the scrutiny to commence on a day subsequent to that on which your precept was made returnable? Under the authority vested by law in every returning officer.—Do you conceive that every returning officer has it in his option to make a return or not, on the day when the writ is made returnable?

The *Master of the Rolls* objected to the question. It was a matter of legal opinion; and whatever the high bailiff might think on the subject, was immaterial to the question.

Lord *Palmerston* said, the answer of the Master of the Rolls satisfied him as much as the answer of the high bailiff.

Mr. *Jolliffe.* From what you have seen, can you make a judgment of the length of time it would take to scrutinize the whole of the parishes? If I am to judge of what is to be done from what is past, it is a matter of very easy computation. We have been near eight months in going through two parishes, which two contain about a fourth of the whole poll: assuming the same rate of dispatch, it will take about two years more to go through the whole.

Lord *Mulgrave.* If no unnecessary delay was introduced, would not the scrutiny be shortened? The question answers itself. [He stated he had now got the papers formerly asked for: he produced them, and they were read at the table.]—If these papers were adopted, would they not, in your opinion, expedite the scrutiny? I did not give them a due consideration; they were discussed by counsel; but they were not consented to by Mr. Fox's counsel.—Did their arguments convince you that they were improper to be adopted; or did you not think yourself at liberty to adopt them without their consent? I did not think myself entitled to enforce them without their consent.

Col. *Fitzpatrick.* Did Mr. Fox's counsel object entirely to the propositions; or did they not object only to some parts, by the alteration of which they imagined the business would be accelerated? I do not recollect what passed. They objected to a paper which I submitted; and I thought their objections had weight.—Have the delays been such as could be prevented by the powers of which you are possessed? They have not.

Mr. *Ellis.* Is there any, and what expense incurred by either party? Expense is undoubtedly incurred; but to what amount I know not. I have heard both sides declare, that they must pay for witnesses; my assessor has ten guineas every sitting day, and my two clerks half a guinea each; and this is paid by the agents of sir Cecil Wray.

Mr. *Gilbert.* Do you think that if you had the discretion, you could do justice to the parties, by making a return in the

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present stage of the scrutiny, without proceeding to the other parishes? A very doubtful judgment must be formed in the present stage.—Could you satisfy your own mind without going further? I am not sufficiently informed to pass a judgment satisfactory to myself.

Mr. *Marsham.* Do you think that your court is calculated to do justice to either party; having declared that you cannot compel the attendance of witnesses, nor administer an oath? I think that justice might be done by the parties bringing forth witnesses.—Are you satisfied with the behaviour of the witnesses before the court? I have not always been so.—Have you not, in your judicial capacity, been treated with complete contempt? I have been so.

Col. *Fitzpatrick.* Have not witnesses been convicted of giving false testimony? They have been contradicted.—Was not a witness dismissed the court for that reason by the counsel on whose party he was called? There have been some few instances.

Mr. *Henry Phipps.* Have you received any money for your own use, as a reward or compensation for your trouble and attendance? Not a shilling.

Mr. *Sheridan.* Have you not heard that few witnesses can be got to attend without being paid by the parties? Yes.—Do you not believe that this money influences the testimony they give?

The *Master of the Rolls* objected to this question. All courts suffered the payment of witnesses, as a compensation for their trouble, and they were not to be discredited merely on that account. It was true that the high bailiff had not much authority, but he contended that he had it in his power to punish witnesses if they behaved improperly. Every court, however constituted, must have that power.

Mr. *Sheridan* said, he knew well that all courts suffered a compensation to witnesses, but the case was materially different here, where there was not authority to compel attendance, nor to administer an oath.

Mr. *Fox* argued in the same way. He said it was a pity the learned gentleman was not assessor, since he might have committed the witnesses who behaved ill; but the high bailiff had not thought himself possessed of any such authority, and had not attempted to exercise it. The payment of witnesses, not upon oath, was very different from the practice in the legal courts, where, if they were detected in perjury, in prevarication, in contemptuous silence, or other misbehaviour, the court could commit them.

The *Master of the Rolls* said, that that House, for instance, which called itself a judicial court, exercised the power of punishment; and he thought that every assembly that called itself a court might do so.

The high bailiff was then called in, and in answer to the question, said, that he understood the pay they received was only in compensation for their time.

Mr. *Sheridan.* Would not the best means of procrastinating a scrutiny be to object on slight grounds to votes which might afterwards be proved good? That would certainly be the means of procrastination.—Has that been the practice of Mr. Fox's counsel? Their objections must in some instances have been slight, since they were over-ruled; but I have no imputation to throw on them.—From their failing in so few of their objections comparatively, can the imputation be justly attributed to them? I can speak only to the fact. Mr. Fox's counsel disqualified more of the votes they objected to than the other side. Has any case occurred of a voter's being struck off, who has afterwards been proved and acknowledged on all sides to be a good one? Yes, and others may be in a similar predicament.

Mr. *Mainwaring.* If you had not been attended by counsel, would not the scrutiny have proceeded faster? I doubt whether it would; for in that case the electors themselves might have asked questions, and entered into arguments.—Could you now proceed without counsel and do justice to the parties? I believe justice might be done, but not more expeditiously.

Lord *Surrey.* On which side have witnesses been dismissed for improper testimonies? On the side of sir Cecil Wray, I think.

Mr. *Burke.* As it has been said that every court has the power of punishment, I ask you, if you should think it right to attach a witness for prevarication or contempt, what officer you have to take him into custody? I have no such officer.—If you had such an officer, do you know of any jailor who would accept and retain a witness on your warrant? I do not know of any.—Do you not carry on the scrutiny under the authority of this House? Yes.

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—Do you know whether orders have been given to the serjeant at arms to attend your court, and to support you? Not that I know of.

Mr. *Fox.* In the court of hustings, during the poll, had you the authority of commitment? I so much doubted it, that I should not have exerted it—Did you administer an oath? I did.—When did you conceive your power to do so to cease? At the conclusion of the poll.—Do you conceive the scrutiny to be a continuation of the poll? It is a legal question. I have my doubts. I think it an adjournment of the court of hustings.

Mr. *Dundas.* At the poll did you examine witnesses on oath? or could you compel them to give evidence? No.

Mr. *Adam.* Can you compel men to produce deeds necessary to evidence? No.

Lord *Mahon.* Might not time be saved by not suffering the counsel to argue cases, but when you, or your assessor, thought fit to call for it? I believe it might save time.—Has sir Cecil Wray attended himself, and did he appear to be a person interested in the event? He has not attended of late. He came in the beginning, and seemed as zealous as any gentleman could be in similar circumstances.

Sir *H. Mackworth.* Would you think yourself authorized, in the future progress of the scrutiny, to make a return without the directions of this House? I would not.

Lord *Surrey.* Do you expect any reward either for yourself or family? None.

Lord *North.* Do you summon every voter, whose vote is questioned, to attend; or do you disqualify him in his absence? I do not summon them; and many have been disqualified in their absence.

Mr. Fox then questioned the high bailiff about the reason of Mr. Hargrave's retirement, which the high bailiff said was owing to his wish to be spared from a part of his attendance, and to this he adhered. Several other questions were asked, but they were mostly repetitions of what we have recited.

Francis Hargrave, esq. called in.

Mr. *Fox.* Whether you was assessor to the high bailiff? I have acted as assessor.—For how long? From the commencement of the scrutiny the 28th of May, to the 12th January last.—Did you attend constantly? Yes, with the exception of some few instances.—Before you discontinued the office, did you or did you not declare publicly in the court your intention of so doing? I declared my intention first to the high bailiff; and he by my desire announced it to those who attended the scrutiny.—On the intention's being made known, were there notwithstanding wishes expressed that you should continue in an office you had executed in so very honourable a manner? At first I thought it was the wish of all parties that I should continue; and in consequence of that understanding I thought it due to the proceeding that I should re-consider the practicability of my continuing to act as assessor; but I afterwards had reason to believe that my continuance was not wished for by more than one of the parties, and I thought it would be unbecoming in me to wave my first resolution, unless at the desire of both parties.—Was not the want of any expressions of satisfaction in your conduct on the part of one of the candidates and his agents, the principal reason that induced you to refuse the earnest request of the other candidate and his agents to continue in the office at least till the business of St. Martin's parish should be completed? Mr. Rouse and Mr. Morgan, counsel for sir Cecil Wray, uniformly expressed their satisfaction in handsome terms of my conduct; but a paper was delivered by the election committee for sir Cecil Wray, to the high bailiff, expressed in such terms as seemed to point at me; and thence I inferred that it was the wish of those on whose part the paper was delivered, that there should be a new assessor.—Did not Mr. Rouse, when he expressed his own personal confidence and satisfaction in you, refuse, when being pressed to it by Mr. Fox's counsel and agents, to make the same declaration on the behalf of his client and his agents? I understood Mr. Rouse, that he had no instructions from those for whom he was concerned as counsel, to join in the request made for my continuance on the part of Mr. Fox.—Was it expressed by Mr. Rouse, or any one on the behalf of sir Cecil Wray, that their silence on that occasion was owing to their disapprobation of a plan supposed to have been proposed of your attending only one hour, or one hour and a half, each day? I recollect that the proposal for accommodating me, by shortening my attendance, was not approved of by the party for whom Mr. Rouse acted, or even by Mr. Rouse him-

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self: but I do not recollect at this moment whether that disapprobation was assigned as the reason for not joining in the request for my continuing as assessor: the proposal, I conjectured, originated from my accidentally using some words by which I stated, that at the utmost for five or six weeks I should not be able to attend above one hour and a half or two hours each day; but I remember adding, that I could not think of offering my services in a manner so inadequate and imperfect.—If the two parties joined in the request for your continuance, and you had complied with it, was it understood that the business of the scrutiny during your continuance was to go on for no more than one hour and a half, or two hours each day—I mean whether this was so understood on the specific day that you was pressed to continue by one party, and the other party refused joining in the request? I always understood that the proposal meant that the proceedings should go on during the usual hours; I so understood it, whenever the subject was mentioned. As I construed the proposal, it was, that the high bailiff should proceed in my absence, so as to complete the usual time of attendance.—Was the proposal in writing? I believe not originally; but I will not be positive.—Was the high bailiff present at the conversation to which these questions have alluded? Certainly. I remember that when I used the words from which, as I suppose, the proposal originated, it was at the close of the business of the day; the high bailiff was present, and so were Mr. Fox's counsel, or one of them; but as nearly as I can recollect, the counsel on the other side had left the room. However, some of the parties were present, particularly Mr. Collick; I remember addressing myself to Mr. Collick particularly; I repeated in his presence more than once, that I could not think of offering my services in so imperfect and inadequate a manner, as by the attendance of an hour and a half or two hours; indeed it was my own private opinion, that such an attendance would not answer the purposes of the scrutiny in an effectual way.—If you had been prevailed on by the joint request of the candidates to continue, whether it was understood to be your intention to give only that particular attendance? When Mr. Rouse had given it both as his opinion and as the instruction of his clients, that such a proposal could not properly be assented to on their parts, I considered the proposal as wholly at an end; and if I had consented to continue my attendance, it would have been in the usual manner and for the usual time.—Did not you express that to be your intention in the vestry-room on the day which has been alluded to? I do not recollect the form of the expression I might use, but I have not an idea that any person who heard me on the day alluded to, could suppose that I meant to give a less attendance than I had done before, if I had consented to continue assessor.

Lord *Mahon*. Who made the proposal of your staying but an hour and a half, or two hours a day, instead of five hours? It was made on the part of Mr. Fox, and as I recollect, by one or both of his counsel.—Do you recollect whether Mr. Fox's counsel stated as the reason for this proposal that the scrutiny had gone on so extraordinary fast when you had attended for five hours, that it would be sufficient that you should afterwards attend for one hour and a half or two hours? I really cannot charge my memory with the particular expressions used by the counsel of Mr. Fox when they addressed the proposal to the high bailiff, but I cannot suppose that in making the proposal they could express themselves in the manner supposed by the question.—What were the sentiments contained in the paper you have mentioned, and which induced you to think they wished you to continue no longer assessor to the high bailiff? I have a copy of the paper, it will best speak for itself. [The Resolutions of the committee of lord Hood and sir Cecil Wray were then read.] What parts of that paper made you think that it was not the wish of one party that you should continue the assessor to the high bailiff? One part which seems calculated to distress me was, the reference to the proposal for my accommodation in terms expressing so harshly a disapprobation of it. Another part, which seemed pointed at me, is, that which supposes that the proceedings should entirely stop as often as the counsel of the high bailiff was absent. I had occasionally been indulged with a short absence, more especially and principally when I was under the necessity of attending at Guildhall as a commissioner of bankrupts. A third part of the paper, which seems materially to affect me, was, the claim to have the hours of attendance enlarged, at the very moment almost that I had intimated that they were already too many to be consistent with my other avo-

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cations. One farther part of the paper which struck me very much was, the claim upon the assessor of the high bailiff at all events to give his opinion on every case, however difficult or however doubtful, the morning following that on which the case and evidence were heard. These are the several parts of the paper, which, notwithstanding its being so long ago since I have thought about it, affected my mind, so as to convince me that whatever might be the handsome expressions of the counsel for sir Cecil Wray and lord Hood, the parties for whom they were concerned did wish to have a new assessor.

Mr. *Fox.* Whether, notwithstanding that paper, you did not declare that you would continue in the office to the end of St. Martin's parish, if both parties should join in expressing their confidence, desiring that you would do so? I rather think I did intimate an intention to try the experiment of continuing some time longer, if both parties should express an equal wish for my continuing; but had they continued in such wish, it would have distressed me infinitely.—What would have been your motives for continuing so much against your wish and inclination? As I had undertaken the business, I thought it became me to do my utmost towards the completion of it; though I felt at the same time, that I had neither constitution of body nor of mind to continue till the end of a proceeding which promised such an extreme length. When I undertook the business, from want of experience, I had entertained an improper idea concerning the probable length of the scrutiny.

Mr. *Grenville.* Did not you say in the vestry that you could not continue to attend more than one hour and a half, or two hours a day, for some time? I have already explained the occasion on which I accidentally in the first instance made use of words to that effect.—Did you afterwards express the contrary? I cannot recollect what particular expressions I might afterwards make use of, but I am confident, that upon the whole, I so expressed myself as to make it intelligible to all present who heard me, that if I did consent to stay on the request made for that purpose, if any such should be made, it should be in the usual manner, and for the usual hours, as I said before.—Whether the reasons had ceased which made you think it would be impracticable for you to attend more than one hour and a half, or two hours a day, for some time? The reasons continued; but being so urged to continue, I probably should at last have been influenced to try the experiment of continuing for some time longer.—Can you recollect giving any ground to the parties to believe that you should have been so induced? I recollect, that when the Christmas adjournment took place, I consented to take into consideration the request for my continuing as assessor, which I then considered as in substance coming from both parties, though I afterwards altered my opinion in that respect. Between the day on which we adjourned and the day on which we met again, I did take the request into my serious consideration, and was upon the point of determining to try the experiment of my continuing for a short time longer, when I received the paper already alluded to in my examination, from the high bailiff. I believe also, that when we did meet again in the vestry, I used some expressions, from which it might be inferred, that even then, if I should be convinced that both parties equally wished to have me continue as assessor, I should be inclined to make great sacrifices for that purpose.

Mr. *Fox.* Whether in the business of this scrutiny, you have observed any unnecessary and artificial delays for the purpose of protracting, in the conduct of Mr. Fox's counsel or his agents? The question is a delicate one; but speaking to the best of my recollection, I observed no other conduct on the part of the counsel for Mr. Fox, in respect to delay, than what might be expected from a proceeding carried on with so adverse and hostile a spirit on each side: nor do I recollect any thing at present which would warrant me to make any considerable difference between the conduct of the counsel of Mr. Fox and those of sir Cecil Wray.—Was not you present at several very long cross-examinations? I certainly was.—Did not some of those cross-examinations contribute to bring truth to light in cases where, without them, false testimony might have been imposed upon the court? I think they often tended to enable me, as assessor to the high bailiff, to distinguish truth from falsehood.—Did not you often declare your concurrence with Mr. Fox's counsel in thinking that the plan of the high bailiff, delivered by him in writing, was of a nature to tend to delay rather than to accelerate the proceedings? I thought the high bailiff very commendable for his efforts to speed the proceedings; but upon

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considering frequently the proposal made by him, I doubted at last whether, if adopted, it would produce any considerable effect; and possibly in the course of the conversation upon it in the vestry-room at the different times the subject was mentioned, something might fall from me, sufficient to convey my private doubts about the proposal; at the same time I encouraged every attention to any thing that might be offered for preventing a protraction of the scrutiny; and it was my wish, that some other proposal should be thought of and brought under consideration: I was sorry that none such occurred to my mind.—What in your opinion may be the probable duration of the scrutiny, if gone through to the end? I have not attempted to make any calculation on the subject, nor do I well know how to make one; but speaking in a general way, and supposing that the proceeding should continue as slow in its progress as it has done, I cannot conceive that it would be finished in less than a year. When I mention a year, I think I speak moderately.—Are you aware that the parishes of St. Anne and St. Martin make very little more than one quarter of the whole? I cannot answer the question without resorting to the number of votes in all the several parishes; and I do not sufficiently remember the numbers given, to answer the question with any precision: but I have a paper in my hand which, if the House receives it, will enable any gentleman to make the calculation; it was made out for me by the deputy high bailiff about a month ago.—Do you not think that the discussion of the next 300 votes to be discussed, may probably take up nearly the same time as those 300 which have been already examined, and so on to the end of the scrutiny? I see no reason myself for making a difference between the votes already scrutinized and those which remain to be scrutinized.

Lord *Mahon*. Whether you will take upon yourself to give it as your decided opinion, that no mode of proceeding whatever can possibly be adopted, which may considerably shorten the scrutiny? It would be very rash and presumptuous in me to assume so much. I can only say, that to this moment it has not occurred to my mind what effectual mode of shortening the scrutiny can be adopted, so long as the parties litigating are determined to act towards each other with such continual and unremitting hostility. In proportion as they shall be fatigued and tired of the proceedings, I apprehend it will grow shorter.—Did you or did you not ever suffer questions of evidence to be argued by the counsel, upon which, previous to such questions being argued, you had perfectly and completely made up your mind? I considered myself as representing the high bailiff, and therefore as in some degree filling a judicial situation; and in such a situation I should think it very unbecoming for me to make up my mind till the counsel on each side was heard.—Did you often for many days delay giving your judgment on any vote? I frequently suspended giving my opinion for many days; but I don't recollect, that during the whole of my attendance on the scrutiny, there ever was an arrear of judgments exceeding eighteen or twenty; and in general, the arrear was much smaller. Nor am I aware that any material injury to the proceeding arose from the arrear of my opinions; the proceeding was not stopped by it.—Had the business been before an election committee, I understand that, according to the usual practice of such committees, votes objected to are not decided upon till both parties have gone through the whole of their cases. But I foresaw that my understanding was too feeble to enable me to decide upon many hundred cases together, and therefore I always in the proceedings made it a rule with myself to decide upon the objections as we went on as nearly as the doubts and difficulties which from the intricacies and length of the evidence, and the difficulty of the points necessarily arising on the evidence I had to contend with, would allow.

Mr. Hargrave was then asked a variety of questions concerning the number of votes polled in the entire, objected to and disqualified by each party, which tended to confirm the opinion of the high bailiff. He however admitted, that very few of the late objections of sir C. Wray had been substantiated by evidence; and also confessed that the court of scrutiny was incompetent to the task of justice, as not being furnished with judicial authority even to administer an oath, or with compulsory power to enforce the attendance of witnesses, &c.

Arthur Murphy, esq. called in.

Mr. Murphy was called in, and underwent a long examination. The questions put to him were, respecting the tedious-

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ness of the scrutiny, and the cause of it; whether he could suggest a better mode of conducting it; what, in his opinion, would tend to shorten the proceeding; how soon he thought it likely to be terminated under its present mode of conduct; and to several facts that had occurred since he had acted as the high bailiff's assessor.

Mr. Murphy imputed the tediousness and delay to the arguments and speeches of counsel, declaring that each vote was tried with as much form and prolixity as a cause before lord Mansfield in Westminster-hall; that the counsel claimed a right in some cases, to make five speeches upon one vote; and that he conceived the fewer speeches the better for the dispatch of a scrutiny. In answer to, whether he knew of any better mode, or had advised any, he said, he would not advise the high bailiff to make an innovation in his mode of proceeding in the parish in which he had begun and carried on the scrutiny in its present way; nor would he be the man to advise any alteration that should not meet with the consent of both parties. With regard to, whether he knew of a better mode, he had turned his mind to the practice of the committees of that House, as a model more fit for adoption in the conduct of a scrutiny, than the mode now in practice. On this idea he was closely pushed by the interrogatories of Mr. Fox, who, at last, not receiving the sort of answer he expected, in preface to another question he was about to propose, complained of not being able to obtain a plain answer to a plain question,—this drew up

Lord *Mulgrave*, who desired Mr. Murphy might withdraw, and said it was very extraordinary that the right hon. gentleman, who had lately given a lecture upon decency, should himself be so bad an example in practice, of that which he had so highly praised and recommended in theory. The House had just heard the right hon. gentleman grossly maltreat a witness, summoned to the bar at the right hon. gentleman's own peculiar instance. A man of character, a man of learning, and of acknowledged abilities, a man eminent in his profession, and distinguished by his rank in life. Let the right hon. gentleman recollect, that those feelings which he himself possessed were likewise possessed by every other person who was entitled to be regarded as a gentleman and a man of honour. In that point of view he considered Mr. Murphy, whose feelings ought not to have been insulted while he stood at the bar, honestly and fairly giving his evidence, and in a situation that entitled him to the protection of the House. To the House, therefore, his lordship said, he appealed, not doubting that they would prevent the right hon. gentleman from again pursuing a conduct not more irregular and disorderly, considered in a parliamentary light, than uncandid and harsh, considered in a different view.

Mr. *Marsham* said, the present was a question of all others which should be discussed with the greatest coolness and temper: he was sorry, therefore, to see any thing like heat arise in any quarter of the House; but if an imprudent degree of animated expression was pardonable in any gentleman on any occasion, it surely was pardonable in the right hon. gentleman, who, by a few words, he believed uttered without any design to give offence, had afforded the noble lord occasion to reprehend his conduct in terms so extremely severe: let the House candidly advert to the very nice and peculiar situation in which the right hon. gentleman stood with regard to the important inquiry of that day, and he was persuaded there was not an individual in it who would not be ready to admit that great allowances ought to be made for a gentleman so circumstanced.

Mr. *Fox* thanked his hon. friend for the footing upon which he had put the matter; but he could not help thinking the noble lord had conceived his words to be more uncivil than they really were. What he had said was a truth, and a truth of which he could not avoid complaining; namely, "that he could not obtain a plain answer to a plain question." The point at which he had been aiming to obtain a direct answer from Mr. Murphy, was of infinite importance to him, and to the immediate subject in consideration. He had put the question two or three different ways, and Mr. Murphy appeared to him not to be willing to give a direct answer. By not willing, he did not mean not willing from any sinister or bad motive, but not willing, as any gentleman might fairly be under the same circumstances, from not having had time to make up his mind upon the subject. With regard to the noble lord's interruption of him, the noble lord might take upon him the office of his censor if he thought proper; there was no man's censure he less dreaded or less felt; but the

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noble lord should not oblige him to retract one syllable of what he had said, or change his expression in the smallest degree. His words were, "that he could not obtain a plain answer to a plain question;" these words were grounded on an incontrovertible fact, that no argument could deny or disprove. Having said this very pointedly, Mr. Fox's warmth led him into a most animated series of exclamations against the scandalous and shameful conduct of those, who, while they were talking of purifying the constitution by a reform in the representation of the people, had instituted that disgrace to all concerned in its institution, the Westminster scrutiny; of the impracticability, of the tediousness, of the expense of which the House had heard such ample and incontrovertible testimonies that day. An institution which had as effectually deprived the city of Westminster of its right to a representation in that House, as if it had been formally disfranchised for bribery, for corrupt practices, or any one of the various causes for which boroughs had ever been disfranchised. By the scrutiny, it was now evident that House, the guardian of the constitution, the protector of the rights of election, had turned the dearest interests of the city of Westminster out of its own doors, and trusted them to the keeping of a court, without powers of the most ordinary nature, without the means to afford them the smallest degree of protection. It was evident also, that either he or his competitor, if they chose it, had it in their power, by delays which would not be sufficient to justify a complaint from the high bailiff to that House, to keep Westminster without representatives for four sessions of a parliament out of seven. Having dwelt for some time, and stated the various means of accomplishing this, Mr. Fox returned to what he had before said of lord Mulgrave, defying him to move a censure upon his words, and declaring, that no power on earth should make him retract a syllable. He said, he would make no apology for the warmth with which he had expressed himself; he should be a wretch, a mean, miserable, and abject wretch, worthy only of the abhorrence and detestation of mankind, if, circumstanced as he was, he could restrain from warmth, and curb those feelings which were the characteristics of a man, and which those who did not possess, neither could be capable of any great and good actions for their country, or of any thing worthy of the name of man.—With regard to Mr. Murphy, he declared he had meant no personal offence to him in what he had said. He had no enmity whatever to Mr. Murphy; on the contrary, he had always thought extremely well of him; nothing, indeed, could induce him to regard Mr. Murphy with an adverse eye, or make him harbour a thought of the possibility of his being capable of acting otherwise than with the strictest uprightness; but the circumstance of his having been appointed to fill that post which had been so ably and so honourably filled by Mr. Hargrave, a gentleman of the highest character and the most known honour, of the first degree of learning, and who, in knowledge in the laws of this country, was surpassed by no one of his Majesty's law officers—to see such a man removed from the office of assessor, and in such a manner as the House had heard stated, might for a moment make him jealous of his successor, for whom, abstracted from this consideration, he entertained much esteem and regard; but no private consideration whatever should prevent his speaking the truth; and therefore, though he meant to drop his intended question, he would repeat what had been before said by him, namely, that he "could not obtain a plain answer to a plain question."

Mr. *Dundas* said, that if ever there was occasion for any man to stand up in defence of the dignity and honour of the House, it was then. Who could feel the least regard for the solemnity of their proceedings, for the justice of the House, for their character, and for their honour, and sit still and see such irregularities practised? What had the right hon. gentleman been doing in a speech delivered with a warmth which he had boasted of, and for which he claimed a merit, but taken occasion thus prematurely to go into a variety of remarks on the evidence, unfinished as it was, and into the merits of the main question. He advised the right hon. gentleman to reserve his fire for the day of its discharge, and appealed to his candor, whether it would not be more consistent with his manly character to preserve a different line of conduct? He would not be so irregular as to follow the right hon. gentleman in any part of his various animadversions on the scrutiny, and its inconveniencies, grievously as those inconveniencies might have pressed on the

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right hon. gentleman. It might, at a proper time, possibly become a question, whether the advantages gained by ordering a scrutiny outweighed the disadvantages that attended it. That would be a question that might fairly be considered and discussed; but let gentlemen have the goodness to wait till the time of discussing it arrived, and not bring it into debate before it was ripe for their consideration. Mr. Dundas concluded with moving, "That Mr. Murphy be again called in."

Mr. Murphy, as soon as he came to the bar, declared he should feel himself extremely unhappy if he had given offence to any member of that House, most especially to the right hon. gentleman who had put the question; extremely sorry should he be also, if any hon. gentleman should think him unwilling to answer any question whatever; he was extremely willing to answer all that should be put to him in the plainest and readiest manner possible. After this apology, Mr. Murphy's examination continued, till at length

Lord *Beauchamp* put a question relative to Mr. Murphy's opinion, whether the object of the scrutiny would not have been more effectually and speedily obtained, had the whole case of the Westminster election been referred to a committee of that House.—This called up

Lord *Mulgrave*, who complained of the question, as one wholly unprecedented, and at the same time disrespectful to the House. He argued, that it was appealing to a witness to know his opinion what that House would do in any cause submitted to their adjudication. This he thought a most extraordinary proceeding.

Lord *Beauchamp* defended his question as perfectly regular, and apposite to the subject of inquiry. He animadverted upon the disgrace that House had already brought upon itself in the eyes of the whole kingdom, by ordering a court of inquiry so nugatory, inefficacious, absurd, and vexatious as the high bailiff's court of scrutiny; and he pursued this idea by declaring that nothing could add to the disgrace and manifest injustice of the proceeding, but for the House to go a step farther, and order the scrutiny, proved so palpably to be of no use whatever but to create delay, expense, and to aggravate the irreparable injury done to the constitution in the instance of the past year, still to be continued.

Mr. *Dundas* spoke to order, and reprobated the noble lord's argument as irregular and inflammatory. The noble lord had put a question in his mind by no means fit to be put; but to the question he meant not to object, as he would rather suffer an irrelevant question to be put, than countenance a more mischievous irregularity, viz. the prematurely debating upon important matters not yet before the House.

Mr. *Pitt* said, he felt as his learned friend had felt, and though he hoped it would not be established into a precedent, declared he should not object to the question, notwithstanding he thought it a very improper one, merely because he wished to prevent the greater evil, and thus by partial and interlocutory debates artfully introduced in the course of an inquiry, suffering topics to be discussed irregularly and prematurely. When the day arrived to agitate the question, he should be ready to state the grounds upon which he should give his vote, and his wish was, that the questions might be fully and fairly gone into; but in the mean time, neither the eloquent invective of the noble lord on the one hand, nor the harsh and ill-justified reflections of angry and disappointed men on the other, should draw him aside from his duty, or betray him into irregularity and disorder.

Lord *North* said, he had taken no part in any of the interlocutory debates of the day; he begged leave, therefore, to say a few words. The question of his noble friend, so far from its having been improper or irrelevant, appeared to him to be peculiarly applicable to the subject, and fit to be answered. He was sure he ought to approve of it, for he had it at the tip of his tongue fifty times in the course of Mr. Murphy's examination. When they had heard of that gentleman's idea, that something nearer to a committee of that House was more fit for the object than the scrutiny as it stood now, what could be more fair than a direct question, whether Mr. Murphy, from the experience he had lately had, was of opinion that the whole business of the scrutiny would have been more speedily and more effectually decided by a committee of that House, than by the high bailiff's court. With regard to the interlocutory debates which the right hon. gentleman had complained of, it was a little extraordinary that he, of all men, should be the first to find fault with them, since every one of them, that

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day, had been begun by one or other of the right hon. gentleman's friends who sat near him. Lord North took notice also of what Mr. Pitt had said of eloquent invective, remarking, that the right hon. gentleman was certainly the best entitled of any member of that House to complain of eloquent invective, since they all knew that he never dealt in eloquent invective, and that it was studiously avoided by him on all occasions.

Mr. *Fox* also justified lord Beauchamp's question, as well as his argument in support of it. He ridiculed the overstrained candour of the minister in declaring that he should not oppose a question which he affected to disapprove, and said, he was glad to see some shame testified by those whose conduct ought to excite their blushes unceasingly. He imputed the reluctance that had been shewn that such a question should be put to the witness, from their sense of the disgrace of having their own assessor, Mr. Murphy, asked, in the face of the House, whether he was not of opinion that the Westminster election should have been referred to a committee of that House; a point he and many others had so strenuously contended for last year. He charged those who had countenanced the scrutiny, with having defrauded him of his seat, and defrauded the city of Westminster of its rights of representation; but what was of infinitely greater consequence, was the wound they had thus given the constitution. He said, for a great and powerful minister to stand up in his place and talk of purifying the constitution, while the wound he had himself given it was unhealed, was the most miserable farce that ever had been attempted to be played off for the deception of a deluded people. He declared, however men had ever differed upon other points, however they were misled by the rage of the times, and felt more hostile to him and his friends than they merited, the unanimous opinion out of that House was, that the scrutiny was the most shameful and the most dangerous effort of power that had ever been practised. He described its various absurdities, and defied the right hon. gentleman to defend it. He also charged him with having accused others of eloquent invective, in the face of those who well knew invective was his forte. He touched upon all the topics connected in any sort with the personal conduct of the minister since his accession to his present elevated situation, and said, that in no part of his conduct had he manifested more contempt for the privileges of parliament, or the rights of the people, than in his obstinate perseverance in this shameful proceeding.

Mr. *Pitt* treated Mr. Fox's long speech (for so he called it) as a shallow artifice to betray him into a debate upon topics, which he had already said he would meet, when the proper day for discussing them came, but which he declared nothing should induce him to anticipate. Till that day the right hon. gentleman might enjoy the childish triumph of having it imagined that he dared not meet the defiance the right hon. gentleman had thrown out, and accept the challenge he had given. He reminded him, however, that although he might have shewn himself too rash and presumptuous in coping with him, he had never been remarkable for shrinking too much from any challenge he had thrown out, or for avoiding in any the smallest degree every opportunity of a competition with him. Thus much he thought it necessary to say before gentlemen laid their heads on their pillows, lest a momentary impression should remain on their minds that the right hon. gentleman had asserted any thing that he would not at the proper time meet and controvert. He would add no more for the present, but content himself with moving that Mr. Murphy be once more called in.

Mr. Murphy was interrogated for a short time longer, when the principal answer he gave was, that, in his opinion, the cause of the Westminster election would have been better placed in the hands of a committee of the House of Commons than in the hands of the high bailiff of Westminster. Mr. Murphy's examination, after his answer to that question, being at length ended,

Mr. *Pitt* said, as it was so late an hour, he would move to adjourn to that day only, as he wished the subject to be discussed while the evidence they had just heard was fresh in the minds of the House.

Mr. *Fox* said, he had thought Thursday would have pleased those better who were not so well accustomed to late hours as he was, but he had no personal wish on the occasion.

The House adjourned at three in the morning.

Feb. 9. On the order of the day being read for the House to resume the consideration of the Westminster scrutiny,

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Mr. *Welbore Ellis* rose and remarked, that having first taken up the important business which was now under the consideration of the House, he thought it incumbent on him to explain the purpose for which his original motion was intended, and the motives on which the motion he now intended to submit to them was founded. He then proceeded to relate the progress of the Westminster scrutiny, and went through the leading points of the depositions given by the high bailiff and his assessors at the bar of the House. He dwelt on the circumstance of the high bailiff considering himself to act under the authority of the House, which being removed, he could have no other to proceed under. On the face of this single declaration, there appeared sufficient proof of the illegality of the system in general, and the absurdity and manifest impropriety of that sanction under which he was authorized to continue so execrated a conduct. If he confessed, that by removing the authority of parliament he had now no other to proceed upon, need there any arguments to prove that appointing a time for the scrutiny, in the very day when the term of his writ expired, was an act beyond the extent of authority, as being beyond the date of his precept. In granting the request of a scrutiny, according to the doctrines generally held out, he was perhaps justifiable, as his power did not expire till the expiration of the date of his precept; but appointing the proceedings of the scrutiny for a time long after the date of his precept, was overleaping not only the powers granted to a returning officer, but exceeding any power our constitution would suffer to be vested in any individual; it was the doctrine as well of the statute as of the common law of this country, as well as the intention manifest, *primâ facie*, on the writ itself, that the parliament shall not only meet on a certain day, but shall also be full, which after gave rise to the arrest and punishment of members who neglected the duty of attendance; and the forms of election were particularly adapted with a view to this grand object. Was the city of Westminster alone, then, to be the melancholy exemption? Was it reserved for that city to experience the delay of a scrutiny, which not only extended beyond the time appointed for the meeting of parliament, but was, according to the best evidence given on the occasion, likely to continue for two years to come? If this was like any thing in the spirit of the British constitution, or any thing like the usual course of elections, he knew nothing to which it would not assimilate. In the ancient meetings of parliament, when the session lasted generally no more than six weeks, how would such a measure as this be treated? Would it not effectually destroy every purpose of representation? Should, then, these principles, that spirit and that constitution transmitted from the most distant period of our history, be destroyed without even the pretext of a statute to give it sanction? From the description given by the high bailiff himself of the imbecility of his court, what could be more vain, impotent, and inadequate? He did not expect, till within these two days, that there was any person in the House who could have any other opinion of it. He expected, that sensible of having done wrong, they would cheerfully set about correcting their misconduct, and not by an obstinate perseverance continue those abuses, of which there were such loud and such general complaint. There was scarce a man out of the House who did not reprobate the measure: for, were the high bailiff to proceed upon this scrutiny till it was entirely concluded, was he not yet liable to the same errors as on taking the poll? having no authority to enforce the attendance of witnesses, or punish such as were detected in prevarication or falsehood. Nothing could invite every man more forcibly to become a convert to Mr. Grenville's Bill, than the absurdities of this preposterous measure. Of this, the testimony of one of the persons principally concerned in the conduct of the scrutiny (Mr. Murphy) was sufficient confirmation; for he thought that, notwithstanding the plans offered for expediting the business, the best mode in which the subject could be decided, was by a committee of the House of Commons. Considering, then, the illegality as well as the impolicy of the scrutiny, the impracticability of bringing the business to a final issue in any moderate time, the heavy expense with which it was attended to the parties, the just and severe complaints of an injured city, and according sentiments of the nation at large, added to the insufficiency of the miserable court to which it was referred, he would conclude by moving, "That it appearing to this House, that Thomas Corbett, esq. high bailiff of the city of Westminster, having received a precept from the sheriff of Middlesex,

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for electing two citizens to serve in parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, be now directed forthwith to make a return of his precept of members chosen in pursuance thereof."

Mr. *Pelham* seconded the motion. On a decision, in which the several interests of the country, and the very existence of the constitution were involved, he could not content himself with giving a silent vote. From the earliest stage of this business, he regarded it in an unconstitutional light, and every subsequent proceeding went only to confirm his opinion; when the highest spirit of party reigned, and in the most violent rage of faction in this country, there was never found, antecedent to this, any instance of an officer bold enough to omit that return which the terms of his writ demanded. It was an invariable rule, and a rule founded on duty, for sheriffs to make return of such members as at the close of the poll possessed the greatest number of suffrages; for the majority on their books was alone the criterion by which they were to judge of the members who should be returned: and any paltry distinction between a sheriff and a high bailiff, in this respect, he should treat with contempt, being equally returning officers, and their duties the same. Were this scrutinizing system to be drawn into precedent, a consequence much to be apprehended, it would be in the power of a minister to decide how many members should appear in parliament. He concluded, by apologizing to the House for taking up so much of their attention; saying, he was totally incapable of doing justice to his own feelings, and less to the subject on which he spoke, but felt so strong a conviction of the folly of this measure, that he could not suppress the remarks which then suggested themselves.

Lord *Mulgrave* confessed, that he had great respect for the integrity and prudence of his hon. friend who had spoken last. Although they differed sometimes in political principles, he presumed he might, notwithstanding, consider him as his friend: but with all deference to the opinions of those gentlemen who had preceded him, he must beg leave to dissent from the general positions which they had advanced. They had reprobated the conduct of the high bailiff as highly injudicious. For his part, he should like to abide by the law of the land. There was no law which strictly enjoined the high bailiff to make a return immediately on the meeting of a new parliament. It had always been an established maxim, founded in justice and equity, that on a demand of any party for a scrutiny, the returning officer should satisfy his own conscience, and either grant or reject a scrutiny, according as he thought he was led by the tenor of his oath. Gentlemen talked much of common law, and made a comparison on that ground; but he hoped they would listen to common sense. The high bailiff was not free, according to the injunctions of his oath, to make a return. A scrutiny having been demanded by one of the candidates, it was therefore, agreeably to custom, commenced; and he was convinced there was no law which could make his conduct culpable. Formerly, in law parliaments, when a member was not returned, his seat was declared vacant, and a new writ issued; but that had no analogy to the present parliamentary regulations. To say that the high bailiff should act contrary to the dictates of his conscience, was the most uncandid and preposterous doctrine that could possibly be advanced. Justice ought to be done, but the high bailiff must attend to the tenor of his oath; and this, in his opinion, was an exact discrimination of the high bailiff's conduct, and the preposterous doctrine advanced by the hon. gentleman. In early times, the attendance of parliament was not considered as a pecuniary benefit, but as a burthen on those who were delegated; but from the apparent conduct of some gentlemen, the times were considerably altered. We were told by some, that the grievance—he meant the neglect of making a return on the appointed day—ought to be remedied; but he wished gentlemen would recollect, that last year there had passed some statutes to correct the imperfection complained of. He called the attention of the House to the case of the Middlesex election, as bearing an affinity to the subject now under discussion. Some gentlemen had expatiated, at considerable length, on Mr. Grenville's Bill. He had a great respect for Mr. Grenville's Bill; but he was of opinion that there were imperfections in that excellent law, as well as most other acts of parliament. He remembered very well the time when Mr. Grenville's Bill was brought into parliament. It received

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a violent opposition from the administration of the day; but he, as well as many others, had the happiness of seeing it pass into a law, notwithstanding every manœuvre to the contrary. He adverted to the words used by a right hon. gentleman a few days ago, concerning a subject in dispute—'to prosecute and drive out every person who opposed him;' and applied the sentence as sufficiently descriptive of the conduct of opposition. One of their chief reasons for criminating the high bailiff was, that his authority was not sufficient to enforce an obedience to his orders, through the medium of the proper officers—he supposed constables. When they were about to commence the scrutiny, those who wished to act uncandidly, although they professed otherwise, said, 'Let us begin in that parish where you are strongest:' and then, to shew their tergiversation, they observed, 'No! let us begin at another place; you are prepared there; we will meet you on other grounds.' But, had any liberal-minded man been consulted on the occasion, he would have remarked, 'Come, let us go thither; we will meet you wherever you please, as we are conscious of the justice of our cause.' He then animadverted on the conduct of Mr. Hargrave: he bestowed many compliments on that gentleman, as possessing great abilities, which qualified him for any station; but with all his talents, he could not enforce order in the court, nor stop the course of popular clamour. The evidence, in his opinion, had been illiberally treated. Mr. Murphy had not been handsomely dealt with, as his evidence had been misrepresented. A scrutiny, according to the established custom, had been demanded by one of the parties. The high bailiff had attended to the remonstrance, and commenced the scrutiny. He had discharged his duty according to the practices of former times; and because, in the course of a few months, 12,200 votes had not been scrutinized, a complaint, founded on that head alone, was made, that the city of Westminster was illegally and unconstitutionally unrepresented. He hoped that every friend of the constitution would adhere to the principles of their ancestors, and not be biassed by any sinister motives. The Commons were the guardians of the people; he therefore trusted they would not deviate from their dignity. Let us seriously consider that one unconstitutional step might involve us and our posterity in ruin. Let us consider, that our ancestors fought for the establishment of those wise institutions that had raised us to the greatest eminence. And then no man would lay his hand on his heart, and act contrary to those judicious maxims, which were founded on universal freedom and happiness. His lordship concluded by moving, to leave out all the words but the word 'that,' and then to insert—"The Speaker do acquaint the high bailiff, first, that he is not precluded, by the resolution of this House communicated to him on the 8th of June last, from making a return, whenever he shall be satisfied in his own judgment that he can so do: and secondly, that this House is not satisfied that the scrutiny has been proceeded in as expeditiously as it might have been: that it is his duty to adopt and enforce such just and reasonable regulations as shall appear to him most likely to prevent unnecessary delay in future; that he is not precluded from so doing by want of consent of either party, and that he may be assured of the support of this House in the discharge of his duty."

Mr. *Frederick Montagu* said, that it would not be ascribed to him that he was one of the enemies of Mr. Grenville's Bill. If there was any one Act which he reverenced more than another, it was that; and if he had at any time stood well in the eyes of former parliaments, it was by the hearty interest he had taken, and the active share which he had had in the support of that Act. It would not, therefore, be imagined that he wished, by putting an end to the Westminster scrutiny, to affect or arraign that Act. It was, in his mind, offensive and unpardonable to compare the committees of that House to the miserable court of scrutiny. No two tribunals could be more dissimilar. An election committee was free from every one of the objections which had been alleged against the court of scrutiny; they had the power to summon witnesses; to compel their attendance; to administer an oath; and to punish for prevarication or contempt. The noble lord had said, that one of the causes of delay in the scrutiny, viz. the long speeches of the counsel, could not be prevented in the committee above stairs. He must beg leave to say, that these committees had the efficacy and art of repressing the talkative spirit of the gentlemen of the long robe, and confining them to the mere questions before them. In respect of the

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length and difficulty of the question, he conceived that to be no argument against the committee. Fifteen members of that House, chosen by ballot, and acting upon oath, were, in his mind, capable of decisions on more difficult points than the high bailiff of Westminster, in his wretched court of scrutiny. The Act of Mr. Grenville had established the proper tribunal for the trial of contested elections; and in his mind, it did violence and injury to the constitution to recur to the inadequate modes of trial which that Act had reprobated, and which had in former times been found so irksome and mischievous.—Establish the precedent, that a returning officer may, in the pretence of satisfying his conscience, postpone the return of the writ after the day on which it is made returnable, and see what a power you give to bad men to exercise it against the dearest franchise of Englishmen! It is by no means a strained or impossible thing to conjecture, that fifty or a hundred members may be thus kept from their seats and duty. But in the supposition that no minister, however desperate, would go that length, may we not from experience say, that the attacks in this way would be made against the ablest individuals? They would strive to keep from parliament men of ardent spirit—men of 'unconquerable mind and freedom's holy flame.' It was not against common men that Charles 2 issued his peremptory mandates; the first characters of the age were the objects of resentment; and such men as bad or weak ministers in all times most fear, would be those whom, by such means, they would attack.—Mr. Montagu was earnest in his recommendations to the House, to be wise in this most delicate point. They had heard opinions on the subject which gave him most serious alarm; they had heard grave law authorities publish doctrines inconsistent with every idea which he entertained of the constitution; and they had heard them, in their ardour on this subject, hazard opinions also, which had committed them to the ridicule of the House; a thing which gave him uneasiness. Men, appointed to sit in the seat of justice, and to administer the laws of the land, were not, in his mind, proper members of a popular assembly. They were liable to be heated by the violences of contention, and perhaps of imbibing a portion of party spirit, by which they might be subjected to the ridicule of the House, and to that sort of flippant rebuke which ought never to be applied to the dignified character of a judge.

The *Master of the Rolls* said, he was by no means disposed to think that the circumstance of his having a seat in that House was either inconsistent with the dignity or the gravity of a judge. He had a seat there, and he would endeavour to maintain his character with as much integrity as he had observed through life; and he trusted there was nothing in his manners which would justify gentlemen in attributing to him improper motives for the opinions which he delivered in that House. He was not the first who had held the station which he now occupied, together with a seat in the House of Commons. Sir Joseph Jekyll was a member of parliament; and he believed that no man would ascribe to him either profligacy of manners, or absurdity of conduct. He was one of the greatest characters of his age, as well in his representative capacity in that House, as in his judicial station out of it. Sir John Strange also was a member of that House, and all men must know how much he had enriched our statute book with wise and constitutional acts. What he had ventured to say the day before on the subject of the power of the court of scrutiny, had occasioned some acrimonious remarks, of which, however, he did not perceive the justice. It was fair to suppose, he said, that, for the sake of equity and truth, every assembly that had the image of a court must be furnished with powers for the end. The scrutiny subsisted under the countenance of that House. The high bailiff might lay complaints before the House, and the House would strengthen the hands of the returning officer. Every body knew that justices of the peace had the power to summon witnesses, but not to compel appearance. If, however, witnesses refused to come, or if they behaved improperly, justices had the means; the courts gave them aid; and, in like manner, he desired to know whether, upon an application from the high bailiff for succour, they would not assist him either to procure evidence or punish misbehaviour? Had gentlemen forgotten, that in the last scrutiny for this very city, upon application to the House, a counsel had been committed to Newgate for arguing for time, and the hon. Mr. Murray for improper behaviour. —He had given it as his opinion—and he begged to be understood, that whenever he presumed to deliver an opinion in that

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House, he did it with the most solemn regard to truth and with the rigorous impartiality of a judge—he had, he said, given it as his opinion, that the scrutiny was perfectly constitutional, and was warranted by the law of the land. There was not, in his mind, any order so positive in the writ, nothing so urgent in what was called the exigency of the writ, as to take from the returning officer his discretion. The writs of the sheriff had been mentioned, and an hon. gentleman had said, that on the day of the return of these writs, no excuse would be admitted by the courts. He must beg leave to set the hon. member right in this particular. Nothing was more common than to excuse the sheriff, on a plausible reason being assigned; and the cases were in so far similar, that the exigency in both writs was the same. In regard to the legality of scrutinies, they surely would not be contested by any man acquainted with the law books. They were as ancient as the constitution itself; and many cases had occurred of petitions being presented, because a scrutiny had been denied. The petition of sir Rowland Wynne, complaining of an undue election and return for the county of York, was on this ground; and this case stated another thing to the House, which it behoved them to consider. That petition was referred to a committee, and took up the whole of a session; it was renewed in the beginning of the next session, and at the end of that also it remained unfinished; so that it was by no means to be proved that extreme expedition was to be derived from a committee up stairs more than from a scrutiny. Sir Lloyd went into a long law argument, and referred to several cases on the Journals. In speaking of the scrutiny, he said that Mr. Hargrave was a gentleman of the first legal talents, of the most inflexible integrity, of research which was indefatigable, of industry unwearied, and of a mind not agitated by the heats, nor influenced by the prejudices of a party; but still Mr. Hargrave had been bred in the chamber, rather than at the bar. He had not been accustomed to *nisi prius* business, and he was not, therefore, so well qualified for the bustling proceedings of a scrutiny room. He concluded with saying, that he approved of the amendment. He thought that a moderate indulgence should be given to the high bailiff to satisfy his mind before he should give his judgment; and the means now adopted were wise and necessary.

Mr. *Michael Angelo Taylor* said, that as he should that night give a vote against those with whom he agreed in general, and against whom he, perhaps, might never give another, he thought it right to state his reasons for so doing. He did not aspire to the difficulty of contending with the learned gentleman who spoke last; but he must say, that he could not perceive the analogy between the sheriff's writs from the courts, and the writs from the crown, for the calling of a parliament. In the one instance, the writ returning to the court from whence it flowed, they were competent to decide both on the exigency and the allegations of the sheriff for delay; but in the case of writs from the crown for the assembling of parliament, who was to judge of the exigency? The parliament being assembled, the tribunal was changed, and the laws of the land had wisely determined that no apology should be admitted for disobedience. Sensible at the same time, that by rigorously exacting the return of the writ on the day errors might occur, which there was not time to rectify during the election, or from the close of the poll to the day of the return, they had in their wisdom established a tribunal, before which such errors or defective returns might be brought and corrected. This was, in his opinion, the direct course which the experience of parliaments had established; and though he had never yet had an opportunity of sitting in a committee under Mr. Grenville's Act, he had observed their proceedings, he had read the Act, and he reverenced it as a most valuable security to the franchises of Englishmen. He declared that he delivered every legal opinion in that House or elsewhere, with the humility that became him. He was young—he was but, what he might call himself, *a chicken* in the profession; but he could not reconcile to his ideas of law the Westminster scrutiny. It had been called a court; it was ridiculous in his mind to call it so; it was no court at all, but a mockery and a jest. He concluded with saying, that he should vote for the original motion.

Mr. *Lee* agreed with the Master of the Rolls, that every legal opinion which came from a lawyer in that House should be delivered with the rigorous impartiality of a judge. He would implicitly observe the rule; and therefore, in the utmost seriousness and with the strictest neutrality, he must declare, that in his mind, as

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a lawyer, the Westminster scrutiny could not be justified. It had not, as he believed, the authority of any written statute either in letter or spirit: it had not the authority of a single precedent: it had not even the countenance of common sense. Could the learned gentleman mention any one statute which authorized a returning officer to disobey the King's writ? There was a statute to the contrary, but none in favour of that conduct. It argued an absurdity on the face of it; and therefore, he said that common sense was against the scrutiny. Parliaments were called to assist the crown upon matters of gravity and importance, and the members were ordered to attend on one fixed and certain day; but if the returning officers should choose to imagine that they had doubts, which ought to be discussed before they obeyed the mandate, instead of meeting on the day as they were ordered, they might not meet for weeks, months, nay for years afterwards. Establish the precedent that returning officers may do this, and there was no saying where it might end. Suppose the sheriff of Cornwall should next take it into his head to have scruples of conscience, and should appoint a scrutiny instead of a return; then, as all the returns of the boroughs must be attached to his writ, he would keep out of parliament the forty borough members of Cornwall. He wondered that no schemers had suggested this among the other plans for the reform of our rotten boroughs. It was a weak argument, and surely not to be harboured, that a difference ought to be made between the obligation imposed on sheriffs and that on high bailiffs. The spirit of the writ was evident, and it was ridiculous to suppose that there would be any thing in the character, or, rather, the name of a high bailiff, to screen him from the duties imposed on a sheriff. The noble lord in the gentleness of his gentle nature had said, that it would be cruel to force the high bailiff to make a return without satisfying his conscience. His conscience ought to be satisfied with the discharge of his duty, and his duty directed him to obey the King's writ, by returning those who appeared on the poll to have the majority of votes. It was true there might be errors on that poll; and what then? He was called on for a return only to the best of his judgment; and if either of the parties are dissatisfied, there was a tribunal to which they might apply, armed with full authority, and possessed of sufficient intelligence for the discovery of truth and the administration of justice.

Mr. *Bearcroft* said, that as the House seemed inclined to hear the opinions of lawyers, he would shortly state his ideas, as he would not be the means of keeping back the first actors who would now come forward to 'fret and strut their hour upon the stage.' In answering the arguments of the lawyers, whether chicken or old cock, he should observe the rule of rigid impartiality. He had not the bad opinion of the Westminster scrutiny which some gentlemen had. He thought it, on the whole, capable of unravelling the mysteries of the election, and of purifying the poll. Bad votes might be ingeniously defended: good ones, he conceived, could not be disqualified. He had himself a vote for Westminster, which he was confident no scrutineer could have struck off if he had given it. He had not given it out of respect to the right hon. gentleman over the way. He thought his talents the most enviable of those of any man that he knew. He had to all his shining qualities, the rich addition of strong, quick, and intelligent common sense. He had an openness and generosity of nature, which, with the capacity and enterprize of his soul, ennobled his virtuous pursuits; but which rendered his great endowments more dangerous if directed amiss. What was he not capable of achieving with powers of mind so commanding, embellished with qualities so seductive! Mr. Bearcroft considered the scrutiny as proper and necessary; and, with all its weakness, it had done good: as to the clamours which were excited, that by this measure the constitution was ruined and the nation undone, these were expressions at which he did not tremble. The nation had been undone ever since he could remember any thing; and the Westminster scrutiny would continue to violate our constitution until some new attack was made upon her frame by some other ravisher. Let gentlemen remember, that the scrutiny, with all its weakness, had struck off hundreds of bad votes. He would not, therefore, agree to see the scrutiny abandoned in the present stage, unless the House should think with him, that the high bailiff, if his mind was not satisfied, ought to make a double return.

Lord *North* said, he rose to 'strut and fret his hour upon that stage;' but that if he should be seduced into a long speech

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on this occasion, he trusted the House would forgive him, and remember that there were two questions before them. He must applaud the noble lord for the generous manner in which he had left the word 'that' in the original motion. He admired also the ingenious way in which it was argued that a scrutiny was proper, because a scrutiny was like a committee. Nothing, in his mind, could be more dissimilar. A committee of the House of Commons had every power which was necessary to the investigation of truth. The court of scrutiny had not one power. A committee would execute the business with dispatch. The scrutiny was charged with delay, even in the motion of amendment, by those who were friendly to it. A committee had all the impartiality of judges, for they were chosen by ballot, and acted upon oath. He would not urge the difference in this particular. But, say the other side, a committee may be added to the scrutiny; then why, if we are to have a committee at last, not to go into it at once? Oh! but, says the noble lord, there are those who argue that a scrutiny, which is to last three years, is as good as a committee: a committee has delay too, for that will take four or six months. Will it? then shame on you for not going at once to that tribunal, which is to waste so much time of the parliament to which the decision belongs! It is curious to see the manner in which gentlemen praise Mr. Grenville's Bill, at the time when they are taking pains to elude it. Mr. Grenville's Act is every thing that it ought to be for the purpose: it has found its way, say they, to general renown, as the most impartial means of distributing justice in election trials; and yet, of all things, they seem eager to avoid this mode of decision. Nay, the very preamble of this Act seems to have furnished them with the means of the scrutiny. The preamble states, that "Whereas complaints are frequently made of erroneous elections and returns, be it enacted," &c. Here, then, we see that nothing but the very idea they have hit upon could have rescued the Westminster election from the influence of this Act. If they had made a double return, as suggested by the learned gentleman, the matter must be tried: if they had even returned the candidate who was the lowest on the poll, it must have come before a committee; but by making no return at all, they eluded that tribunal which they pretend at the same time so ardently to praise. The noble lord who moved the amendment, was exceedingly concerned that there should be a thought of fettering the mind of the high bailiff by forcing him to make a return without satisfying his conscience. It was undoubtedly very severe; but it was not more so than many of the hardships in the statute book; and there was no greater severity in the case, than that he should return what appeared to him to be the truth. Nothing could be more ridiculous than to say, that sheriffs were bound, and bailiffs were not so. It was argued, that the payment of witnesses in the scrutiny was no impeachment of their veracity, as they were paid for their trouble in the courts of law; but did it not strike gentlemen, that in the one case their appearance was by compulsion from the court, which also ordered their payment; and that, in the other, both their appearance and payment was the consequence of contract. He was very much surprised with the manner in which they spoke of Mr. Hargrave. He was slow, that was, he strove to be informed before he gave judgment; a fault for which, with all his integrity, he could not be forgiven: he had unconquerable integrity, very great research, unwearied industry, and unimpeached impartiality; but he was not so fit a man as others for the purpose of the scrutiny. With all his good qualities, he was dispatched; and they exclaimed that twenty lawyers, 'good as he,' could be found—twenty lawyers with less integrity, less industry, less impartiality, but still more fit for the office than Mr. Hargrave.

Mr. *Sheridan* began with observing, that they had that day been honoured with the councils of a complete gradation of lawyers; they had received the opinion of a judge, of an attorney-general in petto, of an ex-attorney-general, and of a practising barrister. The encomiums passed on his right hon. friend by one learned gentleman were so applicable, that when the learned gentleman added, that, besides his other great and shining talents, his right hon. friend stood distinguished for his boldness and candor, for his quickness of discernment and good sense, every body who knew his right hon. friend thought the learned gentleman had really been successful in his description, and had drawn a just portrait; but when the learned gentleman afterwards stated, that at the time his right hon. friend professed most candor he was then most dangerous, and that he was to be the least trusted when

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he wished to throw himself into the arms of the House, the learned gentleman completely did away the resemblance, and proved that he was wholly unacquainted with the true character of his right hon. friend, who was not more remarkable for his splendid abilities than for the genuine liberality and unaffected candour of his mind, and the manly, direct, and open conduct that he had ever pursued. Had the learned gentleman's statement been correct, his panegyric would have proved a satire; and it must have been understood, that when he talked of his right hon. friend's boldness, he meant his craft, and when he mentioned his candour, he designed to charge him with hyprocrisy. It was not from such men as his right hon. friend that danger was to be dreaded. If the wolf was to be feared, the learned gentleman might rest assured it would be the wolf in sheep's clothing, the masked pretender to patriotism. It was not from the fang of the lion, but from the tooth of the serpent, that reptile that insidiously steals upon the vitals of the constitution and gnaws it to the heart ere the mischief is suspected, that destruction was to be feared. With regard to the acquisition of a learned gentleman, who had declared he meant to vote with them that day, he was sorry to acknowledge, that from the declaration the learned gentleman had made in the beginning of his speech, he saw no great reason to boast of their auxiliary. The learned gentleman, who had with peculiar modesty called himself a chicken of a lawyer, had declared, that thinking them in the right with respect to the subject of that day's discussion, he should vote with them; but he had at the same time thought it necessary to assert, that he had never before voted differently from the minister and his friends, and perhaps he never should again vote with those to whom he meant to give his support that day. It was, Mr. Sheridan remarked, a little singular to vote with them, professedly, because the learned gentleman found them to be in the right; and in the very moment that he had assigned so good a reason for changing his side, to declare, that in all probability he never should vote with them again. He was sorry, he said, to find the chicken was a bird of ill omen, and that its augury was so unpropitious to their future interests. Perhaps it would have been as well, under these circumstances, that the chicken had not left the barn door of the Treasury, but continued side by side with the old cock, to pick those crumbs of comfort which would doubtless be dealt out in due time with liberality, proportioned to the fidelity of the feathered tribe. Mr. Sheridan very happily introduced an elegant Latin quotation, which he addressed to Mr. Taylor, in this part of his speech.

Last year, Mr. Sheridan observed, the whole of the question relative to the scrutiny depended upon the high bailiff's conscience, which it was contended he ought to have time to satisfy; whereas this year it was evident he had no conscience, at least none in his own keeping, for he had delivered it over to his assessor, as to a jury. This was the first time, Mr. Sheridan said, that he had ever heard of a man's conscience being to be satisfied through the sensations of another. He had always thought that the conscience saw with its own eyes, and was affected by its own organs; that conscience was the only thing one could not hear by proxy; no letter of attorney would be of use to it; it was that which decided for itself, and would by no means admit of another's judgment to decide for it: as the high bailiff's conscience, therefore, had now been proved to be made of transferable stuff, he hoped it would no longer stand in the way of the justice of the House, but that they would exercise that discretion wisely, which they had, in his opinion, exercised most unwisely last year, and would put an end to that miserable, absurd, and oppressive institution, the Westminster scrutiny. A noble lord had early in the debate said, that it was a false idea that our constitution was injured by the absence of two or more members from that House; but that the fact was, the constitution required that no members should be illegally restrained from attending their duty there. This doctrine he was persuaded was ill-founded, and he believed he could convince the noble lord that it was so. In case of death, which though an insurmountable restraint, was certainly not an illegal one, what sort of a language did the Speaker's warrant hold? Let the noble lord attend to the expression, and then ask himself if he was not mistaken. Mr. Sheridan here read those words, wherein the warrant assigns, as a reason for its being issued, the extreme necessity that the House of popular representation should be full and complete when the business of the King and his People, the Church and State, are to be agitated.

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There had fallen an expression from the noble lord which appeared to him to be very extraordinary, and that was, in mentioning Mr. Grenville's Bill, he had talked of its having surmounted the opposition of the noble lord in the blue ribbon, notwithstanding all his influence as a minister. This reminded him of a most insulting sarcasm, aimed at the noble lord in the blue ribbon a few days since, by the right hon. gentleman opposite to him, which had not a little surprised him; he meant, when talking of the terms, "as a man and a minister:" the right hon. gentleman had alluded to the influence of a minister in lofty language, declaring that he never used any but the honest influence of his abilities, and the services he might do his country, though he chose at the same time, in terms of sarcastic insult, to suggest that the noble lord in the blue ribbon had used the influence of bribery and corruption only when he was minister. At the time this was said, Mr. Sheridan declared, he looked over to the Treasury-bench to see how some of those felt who sat nearest the right hon. gentleman, who had formerly been in the councils of the noble lord in the blue ribbon, had shared his confidence, and who consequently must have borne a part in the sarcasm, had it applied to the noble lord. Perhaps the other noble lord had this day introduced the words 'as a minister,' merely that he might add to them his declaration that the noble lord in the blue ribbon had used no other influence as a minister, than the fair influence of his own character and abilities, meaning at the same time that the remark was a compliment, that it should also serve to wipe off the sarcasm of the right hon. gentleman from those of the noble lord's former friends, who were at this time so faithfully attached, for no corrupt motive doubtless, to the right hon. gentleman. Mr. Sheridan next took notice of lord Mulgrave's declaration, that sir Cecil Wray was an honest, plain man, who had no view but a seat in parliament. If that was the case, what was lord Hood, who had shewn by his conduct that he was not very desirous of a seat there? Mr. Sheridan commented on the strange conduct of a man of lord Hood's character, who certainly should act for himself, and be above condescending to be the tool of any set of men whatever. He took occasion also to pronounce a panegyric on Mr. Hargrave. He said, he had no doubt in his own mind but that Mr. Corbett was bound by the Act of 10th and 11th William, and that it was a miserable shift in those who pretended that he did not come within the meaning of that Act, because in its clauses mention was made generally of mayors, bailiffs, under-sheriffs, &c. He spoke of the absurdities and inconveniencies that were likely to arise from a frequent change of assessors. At present the votes in St. Anne's had been decided upon by rules and principles laid down by Mr. Hargrave, while votes exactly similarly circumstanced, had been decided upon by Mr. Murphy in St. Martin's parish, on different principles. For what they knew, the high bailiff might again change his assessor; perhaps he might put his conscience in commission, and deliver it into the hands of three attornies. He complained of the scrutiny on a variety of different grounds, and said the paying of the witnesses influenced their testimony. The noble lord had compared it to the payment of witnesses in courts of justice, whereas no two things could be more distinct. In the case of the scrutiny, there was no power to punish false testimony; in the courts of justice, the witnesses gave evidence upon their oath, in the face of a court competent to punish them, and liable to indictment for perjury. In like manner, was the Westminster election to go before a committee of that House, it would go before a competent tribunal, before a tribunal armed with the proper powers to enforce attendance and insure dispatch; whereas the high bailiff's court, as it was called, could do neither; it was the greatest burlesque of a court that ever was heard of, and a downright mockery of justice. Mr. Sheridan said, if that House was to be persuaded to authorize a continuance of the scrutiny, new delusions must be found out to induce the House to come into a measure that all the world would consider as a measure of ministerial tyranny. He trusted, however, that the House would see the matter in a very different light from that in which they saw it last year; they had then but just come from their elections, and their minds were agitated and inflamed with the clamour that had been artfully raised against the India Bill. The case was now somewhat different; men's minds were cooler; they no longer looked at his right hon. friend's conduct through the optics of prejudice. They had revived the recollection of his steady adherence

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to the cause of the people, and the cause of liberty. They admired his constant exertions in support of the constitution, and they wished he should be rescued from a persecution, as disgraceful to those who instituted it, as it was vexatious and oppressive to him.

Before he sat down, Mr. Sheridan said, he would address a few words to the right hon. gentleman opposite to him, not as a minister, but as a member of parliament, a friend to parliamentary reform, a point of view in which he was happy to consider him; he therefore wished to recommend to him something like a consistency of conduct. When the right hon. gentleman first declared his intention of putting himself at the head of the friends to reform, Mr. Sheridan said, he felt great pleasure, considering it as a most valuable acquisition of weight, authority, and strength. He entertained the same opinion of him, in regard to reform, as ever; he had never doubted his sincerity: and he declared he spoke most seriously, when he assured him, he gave him his entire confidence in that respect; a gift, perhaps, which the right hon. gentleman might hold cheap, but he must permit him to tell him, that the honest confidence of one sincere and anxious friend of reform, though as humble and insignificant an individual as himself, was worth all the rotten support of a whole herd of flatterers and followers, attached only by their present interests, and ready to change with the first change of circumstances. Let him recommend it, therefore, to the right hon. gentleman, to preserve a consistency of conduct, and not while he was talking of purifying the representation of that House in general, to suffer so large a city as Westminster to stand disfranchised, and deprived of its right to representation, without having committed any one offence that merited or in any sort justified so severe a punishment. How would the right hon. gentleman like, as he drove through the streets of that disfranchised city, a few days hence, in his way to the House, to hear the people cry out, "There goes the minister, who in his liberality is this day to give one hundred additional members to counties, and denies this city its legal and constitutional privilege of two representatives!" Let the right hon. gentleman avoid this, by joining him that day in support of the original question, and let not the electors of Westminster again undergo what they underwent last year, the unconstitutional violence of being taxed while they were deprived of their representatives, and of having the money taken out of their pockets without their consent, which he could not consider other than as monstrous an infringement of the first principles of the constitution as could possibly be committed. He hoped, therefore, the right hon. gentleman would be one of the foremost in support of the question first moved; and when he urged his anxiety to prevail upon him to lend the question his support, he really spoke not as a party man. [A laugh.] Mr. Sheridan repeated what he had said, and declared he was actuated by no feelings of political party in his conduct that day. As a party man, he should be ready to exclaim, 'Long live the scrutiny!' Every friend to his connexions, actuated solely by views of party, must wish the scrutiny to go on. The right hon. gentleman would find he was right in what he said, if that House could be persuaded, which he trusted would not be possible, to do so absurd and so unjust a thing, as not to order the high bailiff to make an immediate return to the writ. In that case, the right hon. gentleman would find the scrutiny would entangle him every step he took; it would be perpetually in his way, and would sooner or later throw him down. The scrape he had got into, his friends were sorry to see, and, to his knowledge, heartily wished him out of it. Let the right hon. gentleman recollect, the path of recantation was not a new one to him; he had trod that path more than once.—[Mr. Pitt said, across the House, in what, or when?] Mr. Sheridan answered, last year; when the coal-tax was given up; when the price at which the navy bills were to be paid off by the subscribers was altered; the right hon. gentleman having at the same time declared, that he gave up that to clamour which he had before obstinately refused to reason and justice. He had conceded in that instance, and upon a wretched plea; he might also be said to have retracted in regard to his India Bill, for there certainly could not be a Bill more unlike the Bill he had opened, than the right hon. gentleman's East India Bill of the last year was, when it passed. Having said this, Mr. Sheridan once more pressed him to accompany him in leading the House out of its error; let them all tread back the mistaken road they had taken, and if the right hon. gentleman would put out his

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power as a minister, and lend them the strength of his arguments as a man, he would answer for it, they would honestly meet him, and be sure to carry their point.

Mr. *Pitt* rose and observed, that the example of the noble lord, who had spoken early in the debate, should not tempt him to prolixity; nor should the digressions of the hon. gentleman, and the observations which he had studiously produced, lead him to the consideration of matters that had not the most distant connexion with the subject. As to what the hon. gentleman had indulged his wit in, respecting the subject of recantation, he should leave it cheerfully to the recollection of the House, and should suffer him to indulge the career of his humour and good nature without any deviation. He had acquired too much experience of their attacks upon his temper, his disposition, and his feelings, to be sensible of any soreness at them. There were, in his view of the matter, two questions before the House, which, considering the variety of his digressions, there was little cause to wonder the noble lord had entirely overlooked; his lordship had been so much flattered with the echoing plaudits of his scrutineers, that he had forgot to consider what was immediately before them; first, the legality of the scrutiny itself; and secondly, the necessity for a farther continuation of it. The first, indeed, had been so fully agitated, and so often discussed the last session, that any farther inquiry into it would at present be quite needless. The first question he should therefore wave. The second was a simple one in reality, though it spread into a variety of branches; it was, whether, from the evidence before the House, there was visible cause to alter the resolutions of the last session? In discussing this point, he declared that he should take no notice of all the vague and unsupported assertions thrown out by gentlemen on the other side. They had on various points begged the question; he should confine himself to argument, to evidence, and to known fact. The constitution had been said to be violated in the institution of the scrutiny, and the rights of election overturned; but let that violation and that destruction be proved; or let it be proved that the House could have acted otherwise, and he should plead guilty to his share in that tyranny, injustice, and oppression, which had been echoed in his ears. But that language would be found inadequate to the purposed end: it would serve neither to conciliate or intimidate; nor would be likely to convince, when coming from a party concerned, in the peculiar situation of being able to plead his own cause. For what was the expression of the hon. gentleman who spoke last? He had repeatedly said, 'our voters, our witnesses;' at the same time he conjured the House to be persuaded that he did not act or speak from party motives; and assured it that he belonged to no party! To censure, and even to abuse a resolution of the last session, was improper and indecent, when the necessity could not be adduced for altering or amending that resolution. The original legality of the scrutiny could not be doubted; it had been solemnly decided in the House of Commons; all that was liable to objection was the continuation of that scrutiny, from circumstances that may have occurred since the last session. The arguments of the opposition against the legality of the scrutiny had been examined and found deficient; for the law of parliament enjoined the sheriff to make return of the writ on the exigency, when the election was completed; but not so, when it was in an unfinished state—the present actual state of the Westminster election.

The legality, then, of the scrutiny must be acknowledged. All that could be called in question was the propriety of continuing the resolutions of the last year. In order to consider this, he should premise, that the Westminster scrutiny was established on the principle of such a number of bad votes having polled, that it was doubtful who had the legal superiority; and also for the satisfaction of the conscience of the high bailiff. The objections against it were, that it was not effectual; that it should rather be referred to a committee under Mr. Grenville's Bill; that the poll itself was a scrutiny, and therefore that the latter was superfluous; that it was a partial mode of investigation, and an intolerable grievance to the city of Westminster, which was by means of it kept unrepresented. Now, with regard to its inefficacy, the high bailiff had gone through a fourth part, in which two or three hundred bad votes had been found; when the whole was gone through, it might be found, that in the same ratio the bad votes would amount to eight or nine hundred. Who, then, could question the efficacy of the scrutiny, or wonder at the doubts of the high bailiff? This officer had a general suspicion of bad

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votes; but, according to his own evidence given before the House, a particular one in the parishes of St. Margaret and St. John's. Was that doubt suddenly done away? Had he made any discoveries in those two parishes? The examination of the votes in those suspected parishes, he averred, was prevented by Mr. Fox and his party. They had used every means to protract the scrutiny in the other parishes, where the votes of sir C. Wray were in the proportion of five to three, and where from that circumstance, and from the circumstance of their being the parishes least suspected by the returning officer, it was no wonder if nearly as many had been struck off from sir Cecil Wray as from Mr. Fox. But the bad votes of the one, no less than the other, proved the propriety of the scrutiny; every vote of sir Cecil Wray's that Mr. Fox attacked, was an additional argument for its necessity. It had been urged, that the poll itself was a scrutiny. Now, this assertion had been amply refuted by the bad votes that had been detected since the conclusion of the poll. We had also been told that the scrutiny was vain and ineffectual; that the high bailiff had no power to compel attendance, to commit to prison for contempt, with other judicial privileges; but, on the same grounds, the poll likewise must be futile; as, on the poll, he was no more possessed of those powers, than he was afterwards in the scrutiny. "But," say the advocates on the other side, "we do not believe in those bad votes, nor will we believe till you produce them." A curious argument this, that they must be brought forward who cannot be found, and those against whom the only objection is their non-entity, cannot be struck off till they are produced. If the scrutiny is ineffectual, was not the poll, which is spoken of in such satisfactory terms, the same? As to the supposed grievance to the city of Westminster, in being deprived of its representatives, would it not be precisely the same, if the business were brought before a committee of the House? But no grievance, real or supposed, should urge the House to dispense, by a vote, with the known laws of the land; by the same argument, all the laws of election might be violated through Mr. Grenville's Bill. The great mischief of the scrutiny had proceeded from its delay; and for this delay he could assign two causes: the first was the spirit of procrastination in Mr. Fox; the second, the unfitness, for he should speak out boldly and frankly, of Mr. Hargrave for the office of assessor to the high bailiff. He had as great a respect as any man for the talents of that gentleman, but they were, he was concerned to say, by no means of the proper kind. He had a great depth of knowledge, a perfect acquaintance with the antiquities of the law, which he had learnt to convert to the causes that came before him, and knew how to apply the system of his own court (of Chancery) to the method chalked out in the court of scrutiny. His labour and industry were unremitted, and his sagacity so great, that he could confound and perplex, and render that unintelligible to himself, which was clear to all the world beside, with great professional dexterity. And as to his propensity to let form get the better of expedition, they themselves, though they were not in the wretched unprotected condition of the high bailiff, though they had power to summon and commit, and a serjeant to execute their orders, had, to their great sorrow, experienced it; and had, when he was at their bar, undergone corporeal testimony of the matter. He should, speaking freely and boldly of persons, whether absent or present, declare, that Mr. Fox had himself occasioned the principal delay of the scrutiny. His objection to going into the parishes of St. Margaret and St. John, according to the proposition of the high bailiff, was, that he had not made so much preparation as his adversary. Yet three months elapsed, while the examination was going on in St. Anne's parish, and yet he had not, in that interval, prepared himself to meet sir Cecil Wray's objections. But if he had been persecuted by the scrutiny, how much greater would have been his persecution, had the question been brought before a committee, where sir Cecil Wray, as all complainants in all courts were allowed, would have aimed his attacks at the parts he should judge most vulnerable. The high bailiff began with St. Anne's from precedent, and then proposed St. Margaret's and St. John's; but this Mr. Fox objected to, as partial. The high bailiff was then prevailed upon to proceed by lot, and the investigation of bad votes was warded off as long as possible from the parishes most suspected. This was, indeed, to be expected from Mr. Fox; it was natural for him to wish that as little progress as possible should be made in the scrutiny in a given time, or in other words, that the scrutiny should go on with all practicable

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slowness. Thus did Mr. Fox make an unreasonable objection to an established rule of all courts, even of election committees, under Mr. Grenville's Bill, that the petitioner should be allowed to produce his charges in the form and succession that he might judge most expedient.

Mr. Pitt then recommended, as they could not remedy the past, that such delay in future might be obviated; one step was already taken towards it, in the removal of the former judge; more might be done towards the same end, by convincing the high bailiff, that he was not under the necessity of submitting to the will of both parties; for the business was carried on less for the gratification of the parties than for the satisfaction of his own conscience. A more expeditious mode of trial might also be contrived. It had been stated, that five speeches were made by the counsel upon every case; but these might be reduced to three, by which two fifths of the speeches at least upon trials would be struck off. But perhaps it would be found, that three speeches on every case were not necessary. The proceedings at election committees might be imitated, where they spoke only to the general tenor, and examined evidence as to the particular facts; and, in the court of scrutiny, there should be less occasion for speeches than in the committee, there being a lawyer as judge in the former; and none, at least professionally so, in the latter. He then suggested a method of classing the votes, retaining the speeches at the beginning and end of the examination of each class; by all which the business might be greatly expedited. The plan also of inspectors might be adopted, which was proposed by sir Cecil Wray; but, according to his uniform system of delay, objected to by Mr. Fox. These inspectors were to examine into the existence of the voters. This, perhaps, it would be said, would constitute persons who might be incompetent as judges: but they were not to judge of law, nor of fact, upon any thing but the evidence of their senses. Another proposal was also made by sir Cecil Wray, which might henceforward be put in force; not to admit any counsel on either side, but when the assessor should judge it necessary: this was likewise objected to by Mr. Fox; and from what the House had already heard, they would not doubt his motive for the objection. But what would prove still more clearly the retarding system of Mr. Fox, and when he reflected on it, he could not withhold his astonishment at the tragic tales of tyranny, persecution, and cruelty, that he had heard from the other side of the House, the repeated declamation made by the right hon. gentleman, that every hour the scrutiny continued was a stab to the vitals of the constitution, and that under such accumulated vengeance he should betray the feelings of a man, if he preserved the decency of a member of parliament—was the proposal lately made by him, that the assessor should continue an hour and a half each day. He should be concerned at being obliged to have recourse to personal reflections, but he could not help declaring this proposition to be a mockery and an insult. Yet he could readily anticipate an argument to justify this proposal from the other side, and could almost read it in the looks of the right hon. gentleman over against him. This might tend in the issue to prevent delay, by preventing the introduction of a new assessor, who would have all the business to re-commence, and a system to re-establish. This, however, was rendered futile by the declaration of Mr. Murphy, who professed his intention to be regulated entirely by the precedents established in the time of his predecessor: besides, as Mr. Hargrave had declared his resolution to go no farther than the parish of St. Martin at all events, it only tended to hasten the change about six weeks sooner than in the ordinary course it would have happened. That proposition he would call the most monstrous proof of an invincible desire in the right hon. gentleman for procrastination. An argument might be farther adduced, that all the attempts would be vain to accelerate the scrutiny, since, if questions were not propounded by counsel, they would be so by friends; and indeed proofs had been given on the former night, that there were a good number ready to perplex and harass evidence.

As for the witty observations of the former speaker, on the high bailiff being guided by, and borrowing the conscience of another, it was not an unusual or extraordinary circumstance. A high judicial officer was frequently in the same predicament, for it was well known that assessors were frequently called into the court of Chancery; and a noble lord, a particular friend of the right hon. gentleman, with all his legal skill and profound wisdom, might, when he was in power with the right hon. gentleman, have had occasion to

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refer to the judgment of another, a cause in his duchy court of Lancaster. With regard to the assertion that the high bailiff had, in his examination yesterday, declared that his conscience was cleared, and that his mind was so far satisfied, that he had now no pretence for deferring the return, he would aver the contrary; as the high bailiff had, on being interrogated, expressly said, that he had still his doubts respecting the merits of the election. As to the question put to Mr. Murphy by a noble lord, and the answer made to it, he did not think the latter should have any weight whatever with the House; for if they were guided by the opinion of Mr. Murphy, who thought the affair would be best terminated before a committee, they would really have adopted the method of settling their consciences by the means of an assessor. Yet, however improper this question might be to Mr. Murphy, the noble lord should, since he was determined to propose it, have followed it up with another. He should have asked how the business was to be brought before a committee upon Mr. Grenville's Act. No one reverenced that institution more than he did; but he would nevertheless maintain, that it was a tribunal to try an election, not to make one. And what return could the high bailiff make? If he made any, it must be a double return, in which case the city of Westminster would remain unrepresented, and the candidates under the same intolerable grievances as before. Was an election to be tried before it was completed? And how could an election be completed till the return was made? Nothing, he observed, could be of greater consequence to the safety of the constitution, than preserving the just separation of jurisdictions, and preventing one from encroaching upon another. He should, for his own part, prefer the court of scrutiny as the more constitutional court to try an imperfect election before that scrutiny was instituted; but surely much more so, after it had made so great a progress. Besides, peculiar disadvantages would attend the committee. It would be necessarily chosen from the members of the whole House, one half of whom were disqualified by having voted. It must also terminate with the session, and leave all the business to be gone over again in the ensuing one; and who could say that all the necessary inquiries might be made in one session? He professed himself so great an admirer of Mr. Grenville's committee, that he hoped no matter might be brought before it which would disgrace it. He concluded with recommending some reforms in the scrutiny; such as abolishing the necessity which the high bailiff had hitherto submitted to, of taking the counsel of both parties, and transferring some part of the power and privilege of the House of Commons, or at least protecting it by their authority. For the propriety of this delegated power, he argued by analogy, from the practice of other courts. He conjured the House not to explain away the law; but if alteration should be found requisite, if the vitiated conduct of a poll should have placed certain defects in a more glaring light than they were before exhibited, to amend and correct it; but not, by superseding the law and confounding separate jurisdictions, shake the foundations of the constitution, and render, at once, the rights of the people and privileges of parliament insecure.

Mr. *Windham* of Norfolk contended, in a maiden speech, that the argument urged in favour of the high bailiff, that he ought not to make a return till he had completely satisfied his conscience and made up his mind, went too far, and as it was stated, it was fallacious. The writ undoubtedly directed the high bailiff to proceed to an election of two members, and if his conscience was not satisfied on or before the day on which the writ was returnable, there was a clear path for him to pursue, in which he would have been countenanced by all men. He had then to return to the sheriff all the candidates, giving as a reason for such return, that his conscience was not satisfied, and then the matter would have come fairly before the tribunal competent to try its merits. It was not true, that the high bailiff was forced to return two members on the exigency of the writ. A double return was allowed by that House, in cases where the returning officer was not satisfied in his conscience. A complete and correct return was not demanded. If it were, and if that House should countenance, by its decree, the new doctrine, that the return must not be made till the conscience of the returning officer was fully satisfied, that House might in future be deficient of half its members. He observed, that though it was seemingly the object of the minister and his friends to relieve the high bailiff from as much care and trouble as possible, yet the very direct consequence of the scrutiny, and of the instructions proposed

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to be given this night to him, would actually raise new difficulties and increase his embarrassments. He had been directed, in the first instance, to take some time to consider and examine his poll, that he might, by private inquiries, satisfy his conscience, and then make his return; but the House having ordered him to proceed in the scrutiny, imposed a new task upon him; and though, before the scrutiny had been approved of by the House, the bailiff might have made his return when he had satisfied his conscience, yet the scrutiny having been once commenced, he must not satisfy his conscience only, but also his judgment; so that as he could not satisfy his judgment without scrutinizing his poll, so whilst there remained a vote unscrutinized, he could not make his return: it was clear, therefore, that the House itself, in seeming to promote expedition, had actually thrown additional obstacles in the way, and created unnecessary delay; for though it would have been sufficient for the bailiff to have satisfied his conscience at the outset, he must now satisfy both his conscience and his judgment.—An expression had dropped from the minister which he thought very alarming indeed; it contained a doctrine likely to be the prolific parent of numberless inconveniencies and mischiefs. It seemed, according to the right hon. gentleman, that the circumstance of there being bad votes on the poll of a candidate, was a good ground for the scrutiny; if this was the case, there was not an election for any county or populous city in the kingdom which ought not to be the subject of a scrutiny, for he was sure there was not an election for any such places, during which persons had not been permitted on both sides to poll, without any legal qualification for the exercise of such a franchise. At Norwich, where he had the honour to have been elected, he was very sure many bad votes had been given both to him and to the rival candidate; and if the number of such voters admitted to poll at Norwich, was less than the number of the like voters who had polled in Westminster, it was because the gross number of the inhabitants were less in the former than in the latter. But there was another expression which alarmed him still more, and that was, "That it mattered not on which side the bad votes had been polled, if bad votes had been received." This was a good ground for demanding a scrutiny; this was an alarming doctrine indeed; for if it was once received as sound and parliamentary, the legal representatives of every populous town in England might be kept out of parliament for years together, by the most infamous combination between a minister and profligate tools in the shape of candidates, who having contrived to get some bad votes on the poll even for themselves, might then demand a scrutiny, which might be carried on for years, though a decided majority of legal votes should be on the side of the candidate against whom a scrutiny should have been granted. For these different reasons, he declared his intention to withstand the introduction of such fatal doctrines, to resist the amendment moved by the noble lord, and support with his vote the original motion made by the right hon. gentleman.

Mr. *Fox* began with congratulating the House on the accession of abilities which they had found in the hon. gentleman who had spoken before him. He then adverted to the various speakers against the motion, and answered their several arguments. He reprobated the doctrine of lord Mulgrave, that the Westminster scrutiny had nothing to do with a reform in parliament. It had to do, he said, with the reform of parliament, and was a subject which every real lover of reform must countenance, since it amounted in reality to the disfranchisement of the city of Westminster, and with that of every other popular place in the kingdom. He observed, that the Chancellor of the Exchequer had very dogmatically declared, that every one who went before him, had spoken to every thing but to the question really before the House; he would not dispute the right hon. gentleman's splendid abilities; he never did it, he never would do it; indeed it would be absurd in him to dispute what he himself had always acknowledged, what the whole House admired; indeed it would be no less absurd than to dispute the right hon. gentleman's confidence in those abilities. The right hon. gentleman sat out with saying, that he was too much upon his guard to suffer himself to be betrayed by any temptation to use personal asperity to any one: he wished that his protestations and his observations upon other men had been a little less at variance; for he was sure every one who had heard the right hon. gentleman's remarks upon Mr. Hargrave, would think that he absolutely forgot his resolution not to use asperity towards any

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man: for his own part he would say, that he had never heard a more unmerited attack upon any one. That gentleman had been praised, as being one of the most learned, the most able, the most indefatigable, and laborious persons of his profession; but it would seem as if ability, learning, and diligence, were not the requisites for an assessor; for the House had been told that other persons would be found much better qualified for the office; their qualifications not being founded on equality of professional knowledge, learning, and industry with Mr. Hargrave, people would be apt to inquire in what those qualifications might consist. In his opinion, integrity was one of the most necessary in a judge, and he was sure that Mr. Hargrave possessed it in an eminent degree; he believed, also, that Mr. Murphy was a man of integrity; but who could tell that he would long continue in his present office? And what a lesson would the minister's speech of that day be to his successor in advising the high bailiff? Would it not say to him in plain terms, that one assessor of inflexible integrity has been removed; his situation had been previously rendered so disagreeable to him, that he could not, consistently with his own dignity, remain any longer in his office; and to crown all, having resigned, he was held up in an odious or ridiculous light by the minister? Was not this as much as to say, if an assessor shall presume to think for himself, he shall be publicly ridiculed, reviled, and reprimanded; whilst, on the other hand, the courtly, the complaisant assessor, who may come hereafter, may learn the way to gain the favour, the countenance, and the smiles of the minister?—no trifling considerations with men who must look up to government for advancement or promotion in their profession. Mr. Hargrave was charged by the right hon. gentleman with having been himself very instrumental in causing the delay of which there had been such complaint. He would ask, if since Mr. Murphy had taken his place, the scrutiny had been conducted with greater dispatch? The contrary was notoriously the truth. The right hon. gentleman could free the high bailiff from the supposed necessity by which he thought himself bound to make no new regulation that should not meet with the approbation and concurrence of both parties. Now he would be bound to say, that the most effectual way to procure dispatch, would be to induce the parties mutually to agree to regulations; and in this Mr. Hargrave was extremely useful, as both parties had been often induced to concur in resolutions, to which they previously had entertained strong objections, but which they were persuaded to relinquish, by the engaging and soothing manners of Mr. Hargrave. It had been said last year, and had been repeated that night, that non-entities had been admitted to poll; and that the supposed or ostensible inhabitants, if the expression might be used, of persons not in existence, had been stated to be principally in St. John's and St. Margaret's To the first part of this he would reply, that they must be credulous indeed who could suffer themselves to be led away with the idea, that puppets or figures stuffed with straw had been produced and admitted to poll at the hustings; for without this, the idea of non-entities polling was nonsense; for it must be supposed, that for every name set down in the poll-books, some entity had actually appeared at the hustings. Now he thought it might be very easy to account for the notion that had got abroad relative to non-entities having been polled. When a great many persons were assembled at once to vote, more than one at a time might give in their names and places of abode; and in the confusion the name of the voter might have been set down right, but the habitation of one might be set down in the books as if it were that of another: and therefore, when inquiries were made for Peter, in a street, of which, by mistake, he was in the poll-books set down as an inhabitant, and was not found there, it was the fashion of the day to call him a non-entity; but it by no means followed that he had not a good vote, because by a mistake he was set down as an inhabitant of one street, when he really kept a house in another: and indeed this was not an imaginary case, for it had actually happened; and a vote was struck off from the poll, because he could not be found in the street set opposite to his name in the book; and yet he made it appear to the satisfaction of the high bailiff himself, that he had as good a vote as any man in Westminster.

Having premised thus much, he begged leave to say something upon the law of the question, and he hoped he should not leave the right hon. gentleman at liberty to say with truth, when he should have concluded, that the legality of the scrutiny stood

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unimpeached. What he had to say was reducible to the following heads: Statute Law—the Practice of Parliament—and the Reason of the Thing. He contended then, first, that by statute, the writ was returnable on the day specified in it; and this would appear clearly from the Act of Henry 6th, by which an action of debt was given to a person aggrieved by any return; the Act provided that such action however should be brought within three months after the meeting of parliament. Our ancestors, who formed that Act, must have looked upon the meeting of parliament, and the return of the writ, as convertible propositions; or it would have been absurd in them to give a man an action which could be so easily defeated, if the practice introduced by the present parliament had prevailed in the days of Henry the 6th; for the sheriff not making any return till three months, or as it might be in the present case, three years after the meeting, no action could be brought against him, because by law it must be brought within three months after the meeting, or not at all. The next statute he would mention, was that of William 3, which made it absolutely necessary that the sheriff should make his return on or before the day of meeting. In this surely was virtually included every inferior returning officer, who by making their returns to the sheriff, must enable him to obey his writ, and transmit it to the crown-office in due time, before the opening of the session. It had been said by the learned Master of the Rolls, that a writ for the election of a burgess during the sitting of parliament, was not returnable within any limited time. The difference between that and the present case was very striking: the king was supposed to know best when a new parliament ought to meet, and therefore he summoned it to meet on the day which appeared to him most proper; and it was necessary that the Commons should be fully represented before parliament proceeded to make laws; but it was different with respect to a vacancy made by death in a House of Commons already sitting; for the same reason for dispatch not prevailing, the Act of William 3 required only that the return should be made within 14 days after the election: but by the new mode lately introduced, a scrutiny might be demanded or ordered; and as it was the continuation of the poll or election, the actual close of the poll not being deemed a conclusion of the election, the precept might be held even for years by the returning officer, notwithstanding the Act of William 3. He next maintained, that a scrutiny, protracted beyond the exigency of the writ, was contrary to the uniform and invariable practice of parliament. In the great Oxfordshire election, the sheriff granted a scrutiny, which lasted till the day before his writ was returnable, and then closed it, contrary to the wishes and entreaties of the parties that had demanded it: he then returned all the four candidates: the House was not angry with the sheriff; on the contrary, it sat from day to day to determine who ought to have been returned as the sitting members, and pronounced in favour of Parker and Turner, and against Dashwood and Wenman. Lastly, he said it was contrary to the reason of the thing; for if it was left in the power of returning officers to protract the return as they pleased (and who could find fault with or punish them, when they declared inexorable conscience to be the cause of the delay?) a packed parliament might meet for shameful purposes; the members for Old Sarum, Midhurst, Thirske, Knaresborough, and the like, might take their seats, whilst the representatives of Westminster, Liverpool, Bristol, Newcastle, and every populous place, were not yet elected!

A scrutiny in itself was not a measure into which a returning officer was bound to go, except in the city of London, where a provision was made for it by a special act of parliament; if he was, why was not the sheriff of Bedfordshire punished by the House for refusing it; why did not the House call to account the returning officers of Southwark, Lancaster, &c. who had also refused to grant a scrutiny? And here he begged leave to remark, that the doctrine broached by the right hon. gentleman, that, let the bad votes be on which side they might, a scrutiny ought to be granted, was truly dangerous; for in cases where the majorities were very small, as in Bedfordshire, where it was only of one, and in Southwark, where it consisted of eleven, &c. a scrutiny demanded by the person who had the minority, and granted, would keep the legal members out of their seats, the electors unrepresented, and leave the members of decayed boroughs to transact the business, for which such a parliament might have been packed. He had not a doubt then, that as this scrutiny was contrary to statute law, to the practice of the House of Commons immemorially, and

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to the reason of the thing, the only object that the minister could have in view was, to harass and persecute an individual, whom he had honoured, by distinguishing him from among a number of others, to make the victim of his resentment. He had always wished to stand well with the right hon. gentleman: he remembered the day he had first congratulated the House on the acquisition of his abilities; it had been his pride to fight side by side with him the battles of the constitution, little thinking that he would one day desert his principles, and lend himself to be the instrument of that secret influence, which they had both combated so successfully. He might have been prepared to find a formidable rival in the right hon. gentleman, a rival that would leave him far behind in the pursuit of glory; but he never could have expected that he would have descended so low as to be the persecutor of any man. I fancied (said Mr. Fox) I saw in him so much generosity of soul, so much elevation of mind, that so grovelling a passion as malice could not have found an asylum in his breast. If he thinks that it is merely for a seat in parliament that I am contending, he knows me not; but I was willing to take the hard task of stemming the tide of misrepresentation, that had artfully and studiously been disseminated through the kingdom. I was desirous that the citizens of Westminster, to whom my public measures were best known, who knew even my private foibles, as I had been bred, and had always lived among them, should pass judgment on my political conduct; and proud I am of the issue, which has taught the more distant parts of the kingdom that they were misled.

As to the election for Kirkwall, it was owing, he said, to an accident; and he declared, upon his honour, that after he had heard the greatest ornaments of this country had been sacrificed to the popular prejudices, when he heard that lord John Cavendish had been thrown out by the citizens of York, that general Conway and Mr. Coke had lost their elections, he was sorry that, by an election for any other place than Westminster, he had been robbed of the glory of suffering in such company. He saw plainly, he said, that it was a pecuniary contest, and that his friends were to be tired out by expenses. The scrutiny on both sides could not cost less than 30,000*l.* a year: this was enough to shake the best fortunes. His own last shilling might be easily got at, as he was poor; but still, little as he had, he would spend to the last shilling: if, in the end, he should lose his election, it would not be, he well knew, for want of a legal majority, but for want of money; and thus should he, perhaps, be deprived of his right, and the electors of Westminster of the man of their choice, because he was not able to carry on a pecuniary contest with the Treasury. He would not, however, withhold from them the satisfaction of knowing, that however zealous he and his friends might be, protraction must overcome them. His persecutors had only to be stubborn, and they must succeed. He said that he considered the present measure, with respect to Westminster, as a succedaneum to expulsion. The case of the Middlesex election, which had been so much reprobated, had at least the merit of being more manly; for here they accomplished the same end of expulsion, without daring to exhibit any charge against the person whom they expelled. It had been alleged that the bad votes had, on his part, been poured forth from the parishes of St. Margaret and St. John. Without dwelling on the circumstance, that this had been said of every parish in its turn, he would appeal to the good sense of the House, and ask them whether they thought him or his agents so absurd and impolitic as, even in the supposition of their using such means, that they should confine themselves to one parish only? Would they not at least have mixed their votes, and spread them over all the parishes, that they might the more readily pass unnoticed? Those who were willing to charge his agents with the iniquity of such means, would hardly suspect them of the folly of such an arrangement of the plan. Supposing that by the calculation of there being 200 bad votes in the one-fourth part scrutinized, that in the end there would be 800 bad; was that any proof that his opponent would have a majority? Had any of the proceedings warranted such a belief? Certainly they had not; and when the minister, who, instead of an advocate, should have acted as a judge, mentioned St. Anne's parish, he should also have mentioned St. Martin's; but that he purposely forgot, because it would make against his calculation. In St. Anne's, where he stated the difference to be as five to three bad on the side of Mr. Fox, it was easily calculated, and would be found to be as seven to five; therefore, even supposing that sir Cecil

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should strike off seven in every hundred of what he had polled, and he only five of every hundred of his opponent's, still he should have a majority of 100; for by that mode sir Cecil would strike off 434, and he should strike off 300; but in St. Martin's parish the difference, on the gross amount of the poll, was not more than thirty, and the number disqualified on each side would be equal. But if the doctrine was suffered of returning officers having a right to make no return on a scrutiny being demanded, and the appearance of bad votes would be sufficient grounds to demand a scrutiny, it would be in the breast of sir Cecil Wray, or any losing candidate, to pour in bad votes, on purpose to give a colour for a scrutiny, and by that means keep a gentleman out of his seat for three or four years. Among the various reforms which the minister was pledged to bring forward, was one for shortening the duration of parliament; but by the maxim adopted, the election would last longer than the parliament. The committee who tried the Bedford petition, did not think themselves bound to go into the merit of the petition, but decided the one vote in dispute, and made their officer make his return; so in every case that ever came before parliament, the like custom had been pursued. The right hon. gentleman had been, he said, arguing on false facts and absurd hypotheses, and had not chosen to mention the delays occasioned by sir Cecil Wray's making wanton objections to votes that he could not sustain. And he must say of lord Hood, that he had been rather patient and submissive, if not negligent of the interests of the city which had so handsomely honoured him with their choice, in not striving to do them justice in so far at least as his own seat was concerned. His election was unquestioned by all sides, and yet, under the same ridiculous and unwarrantable measure, he also was kept out of his seat, and Westminster continued totally unrepresented. He concluded with declaring that if, to his astonishment, the House should be so far infatuated by party as to forget this night what was due to the rights of election and the purity of representation, the question should not sleep. He assured them it should be brought on in one shape or another again and again; and he had no doubt ultimately of seeing them come to a determination favourable to the cause of the people.

Mr. *Dundas* said:—The right hon. gentleman over the way must excuse me, if I forbear from entering into all the subjects which he has introduced into his speech. Situated as I am, it is necessary, however, that I should say thus much to him, in answer to his vehement declamations against the India Board, that when the proper day comes, I shall not be afraid to measure swords with him on that subject; but until then, I shall take the liberty to consider, and I am sure this House will also consider, these daily declamations against that board as mere wanton, coarse obloquy, which the right hon. gentleman has got such a habit of introducing upon all possible subjects, that even the Westminster scrutiny, however remote from the subject of India, is not to be excepted. With respect, Sir, to the character which he has drawn of the right hon. gentleman near me, the best answer I can give him is, by reducing all his high-flown language upon that subject into common sense and plain English; and I would then ask any man in the House, whether the sum and substance of all his declamations on this head are more or less than this; that when first he discovered the right hon. gentleman's rising abilities in this House, he was earnestly desirous of connecting him with his party, he was anxious to take him under his protection and tuition; but as soon as ever he found the right hon. gentleman unwilling to submit to his trammels, and determined to think for himself, from that time he had resolved to set him down for the most haughty, corrupt, unconstitutional, and dangerous man and minister that ever this country had produced. It is just thus, indeed, that the right hon. gentleman over the way has at all times thought proper to monopolise all patriotism, all public principles, all love of liberty, to his own single self.—"I am the palladium of the liberties of the country, I am the champion of the constitution, I am the only man of the people, I am the single Atlas of this free state." This, Sir, is the language, and these are the precise arguments which the right hon. gentleman applies now, and always has applied, to all debates, at all times, upon all subjects, against all ministers, in all the exigencies of his case. He accuses my right hon. friend of presumption; but I appeal to any man whether the panegyric which the right hon. gentleman has this day made on himself, did not consist of praises so profuse and extravagant, and of flattery so gross, that I am sure there is not one

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of his friends that would have had the indecency to load him, before his face, with half the praises which, in this moment of boasted modesty, he has thought it so becoming to heap upon himself. If, therefore, I should feel a little insensible both to the praises which the right hon. gentleman heaps upon himself, and to the abuse which he pours upon us, I hope I have explained what it is that has rendered me thus callous. The time was, when his invectives fell with some force and efficacy on the ministerial band whom he was opposing; but when I see him pouring forth alternate praises and execrations on the same men, according as they are his political friends or foes, he must excuse my telling him that all his violence, all his sarcasms, and all his insults, are not capable of irritating any one single passion in my breast; and I may hope even, that in the vicissitudes of political affairs, the time may come when I may be recompensed for all the grossness of these declamations, by the most unbounded panegyrics on my virtues, my talents, and my political character. In the mean time my mind is at perfect ease, because I know, and all the world knows with me, that the right hon. gentleman considers the actions and characters of public men as things entirely subservient to his own political views, nay, and to his views at the mere moment when he is speaking.

Having said thus much on the subject of the India Bill, and on the respective characters of the two right hon. gentlemen, which I have been so necessarily led to do, I shall confine myself now to the true question before the House: and, in the first place, since the right hon. gentleman is for ever exclaiming how the constitution is violated, I must beg and insist on a plain answer to this plain question—Whether, in the election of Vandeput and Trentham, the constitution was not just as much broken as now? That scrutiny, Sir, lasted for fifteen months, and this has lasted eight months. Where were then the violated rights of the electors of Westminster? Where was then this ruin to the constitution? Was not Westminster just as much unrepresented as now? Were not taxes laid on the inhabitants of Westminster without their consent, just as now? Was not every evil, every inconvenience, every outrage on the constitution, as flagrant in that case as in the present? And yet, Sir, if we look into the debates in those times, we find not one syllable was ever uttered about the danger to the constitution, not one syllable of all that language which is so familiar in the mouth of the right hon. gentleman on this and on every question. It is said always, that that was an election in the case of a vacancy by death, and this on a general election; but what difference does that make to the constitution? Sir, I do maintain, therefore, that the constitution is likely to go on as well after this scrutiny in the city of Westminster, as it did after that of Vandeput and Trentham; and when the right hon. gentleman tells us, that in his capacity of champion of the constitution, he cannot sit silent, he cannot rest, he cannot sleep, until the vote of the House is rescinded, and the outrage is repaired, I shall ask him how he has slept since the year 1750; for it is ridiculous to contend that the circumstance of its having been then a vacancy by death, and not by general election, can be any salvo to the rights of the Westminster electors, or any safeguard to the constitution. Why, Sir, suppose this election had happened, in either of those two cases, when Westminster became vacant by the right hon. gentleman's becoming a secretary of state, Westminster might then have suffered precisely the same disfranchisement, and the constitution have had the same wound which it has received, and yet all would have been exactly according to law and according to precedent; and in truth, if we examine the respective histories of the times, we shall find a great resemblance in the two cases and in the two elections. There were then the same exertions, the same contentions of the aristocracy, the same intrigues as now. Both the great men and the great women of the country were seen to use the same condescensions in both cases; and I will add, that there were the same affected delays in both cases: in point of delay, however, there has been this difference, that in the year 1750, above 1,400 votes were scrutinized in five months, and in the present case not 200 have been gone through, even in the enormous time of eight months. Will any man, then, deny what one of the resolutions in the amendment takes notice of—That this House is not satisfied that there has been no unnecessary delay in the scrutiny? And, Sir, I appeal to any man, whether it has not been proved at your bar that it has been the wish, the design of Mr. Fox to procrastinate the decision of the scrutiny.

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The high bailiff has told you, Sir, that he all along understood St. Margaret's and St. John's to be the parishes where the chief suspicion lay; and I maintain that he had a perfect right, without the consent of either of the parties, to have proceeded first to those parishes: but Mr. Fox, he tells you, insisted that this would be a partial arrangement, and it was agreed to ballot which parish should come first. It is known, that the parishes in question come next in turn, and I would appeal therefore to the common sense of the House, whether it is not reasonable, natural, and by all means expedient, that the high bailiff should be permitted to pursue his scrutiny, at least into this parish, being informed at the same time, that as soon as ever he is capable of satisfying his judgment, he is at perfect liberty to make his return.—The House has already gone the length of determining a scrutiny to be legal, even after the return of the writ, should the circumstance of the case demand it; and truly, Sir, how much more dangerous would it be to the constitution, if it should become a settled point, that all scrutinies are unlawful, and that, if a sufficient number of men are found who will take their oath at the hustings, every writ must be instantly made up, however notorious the invalidity of votes may be, and must be thrown upon the table of this House. The truth is, that the right of voting in Westminster is not sufficiently ascertained, and a Bill is wanted for this purpose: but, Sir, we must not decide against the law of the land, we must not contradict the analogies of law in these cases; we must permit scrutinies where the necessity of them is clear; and if any thing is wanted in order to facilitate such cases in future, a new law must be made for the purpose.

Mr. *Fox* said, the hon. and learned gentleman might entertain himself and the House with abusing him as much as he pleased, but as the representative of the electors of Westminster, he felt too gratefully for all their kindness to him, to stand tamely by while they were abused in the grossest and most groundless manner. The assertion, that he had ever used the electors of Westminster as the instruments of sedition and faction, since he had the honour to hold a seat in the House as the representative of that city, was a direct falsehood. He never had entertained the most distant idea of so indecent a liberty, and had he had the presumption and the folly to attempt any thing like it, the electors of Westminster had too much sense, too much loyalty, and too proper a regard for consistency, and the preserving of a line of conduct becoming peaceable, but spirited and respectable, citizens, conscious of their own rights, and jealous of their preservation, to have submitted to so scandalous a prostitution of their partiality towards so unworthy an individual as himself. Mr. Fox said, that the hon. and learned gentleman had repeatedly misquoted the evidence of the high bailiff, Mr. Hargrave, and Mr. Murphy, and upon that misquotation had grounded much abusive argument and false reasoning. This he would prove by moving, that the whole of the evidence might be read through, were it not so late an hour, that he would not add to the fatigue of the House by detaining them for any such purpose.

Mr. *Dundas* rose again and declared, that, in his opinion, the right hon. gentleman, since he sat for Westminster, had used the electors of that city as the instruments of his sedition. It was his opinion, and he should persist in declaring it.

The question being put, That the words proposed to be left out stand part of the question, the House divided:

Tellers.

YEAS	Lord Maitland - - - Mr. Sheridan - - - -	135
NOES	Lord Mulgrave - - - Mr. Robert Smith - -	174

The high bailiff was then called to the bar, and acquainted with the Resolution of the House.—The House adjourned at half past six in the morning.

Feb. 18. Colonel Fitzpatrick acquainted the House, that he had in his hand a Petition from the electors of Westminster, praying to be heard by counsel at the bar, in defence of their just rights and privileges, and to offer new facts which they were not apprized of at the time of presenting their former petition. He stated the variety of difficulties and disadvantages they laboured under; and that they conceived one great reason of the scrutiny being continued, was owing to the evidence which was adduced at the bar some days since, being defective. He desired the House to call to its recollection, that particular stress was laid, in a former debate, on Mr. Fox being shy of going into the parishes of St. Margaret and St. John. Since that debate, a fact had come out, which very

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much engaged the attention of the public, and which he conceived would surprise the House, when he came to relate, that the high bailiff, the next day of meeting after he received his new orders, in the presence of some hundreds of electors, and before several members of parliament, openly declared, and authorized them to state, "that an offer was made by the counsel for Mr. Fox, whilst in the parish of St. Anne, to go next into the parishes of St. Margaret and St. John; which proposition, was refused by the counsel of sir Cecil Wray." Therefore, whenever evidence of that fact was produced at their bar, he trusted they would put an end to so destructive a measure as the scrutiny, which was carrying on contrary to law or justice.

The Petition was then read, stating, "That your petitioners, understanding that a motion had been made in this honourable House, relative to the election for Westminster, and that the high bailiff of this city, and his two assessors, had been ordered to attend, abstained from desiring this honourable House to permit them to offer any evidence relative to the scrutiny carried on for Westminster, or to be heard by their counsel in support of their rights: that your petitioners have now reason to believe, that the evidence given at the bar of this honourable House was defective and incompetent, and that farther material evidence may be laid before this honourable House, touching the said scrutiny: your petitioners, therefore, humbly pray this honourable House, that they may be permitted to produce such evidence, and to be heard by their counsel at the bar of this honourable House."

Lord *F. Campbell* thought the petition could not be heard, as it would be contrary to the rules of the House to admit one petition in support of another that had already been decided.

Mr. *Pitt* presumed the petition was meant to be laid upon the table, and if it contained new matter in addition to the former, he could have no objection.

Colonel *Fitzpatrick* then moved, "That the petitioners be heard by counsel, in support of the said petition, on Monday next."

The *Attorney General* said, if new ground had been discovered and facts made known which were before concealed, there certainly could be no objection to hearing the petition, especially if the petitioners conceived the facts were such as would induce the House to make a fresh order; but if the petitioners were the same, and had no new ground to state, certainly the petition must be contrary to all rules of order or sound policy, and could not be heard.

Mr. *Sheridan* stated the propriety of the petition, and that the evidence meant to be adduced could not be given before. The petition was couched in decent terms, and therefore he presumed might be heard; for he trusted no person would lay down the doctrine, that the proceeding of parliament was not liable to be arraigned.

The *Speaker* said, the present motion was to hear counsel on the petition just received; but if counsel was meant to be heard in support of both, the motion would be otherwise.

Mr. *Fox* said, the Speaker was certainly right, and no person was more strenuous than himself for the orders of the House to be observed; but he had an equal desire to see justice done, which ought to go hand in hand with the order of the House: in the present instance, he would have the House consider, that the petitioners desired to be heard in defence of their rights.

Mr. *Pitt* said, that if the sole wish was to state new matter, he had no objection; but he was of opinion that it was meant for delay, and merely to harass administration; and in point of time the petitioners were too late, as they ought to have laid in their claim before the day for hearing petitions was expired. With respect to the remark made, of a right to arraign the proceedings of parliament, certainly in some instances that right existed, and persons were undoubtedly at liberty to petition against an act of parliament; yet then their petition should be couched in terms of respect; but here, he hoped, by hearing of counsel, the House did not mean to make a voluntary surrender of its rights, and permit the counsel to tell them at their bar that they had granted a scrutiny, which was contrary to the first principles of law and justice; and that the House being incomplete in point of numbers, every Act which passed in the last session was illegal, oppressive, and absurd; such a liberty would, in his eyes, appear contrary to all order or decency, and could not be permitted. But if the petitioners had not foreseen what they had now stated, it was rather extraordinary, and their silence was in some degree disrespectful to the House. But if they were to be heard

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in defence of their rights (and God forbid but they should), in his opinion the House would be competent to stop them the moment they went into any of the allegations set forth in the former petition. He was not at all surprised that the electors wished to be heard by counsel at this time; for undoubtedly, had they trusted their cause in the hands of the lowest person in the profession who walked Westminster-hall, they could not have been served worse than when they, in a former debate, trusted their cause to the right hon. gentleman (Mr. Fox); for the very material fact that was to elucidate the business he forgot to mention. But indeed, on second recollection, he did not believe the right hon. gentleman knew that an offer was made on his side to go next into the parishes of St. Margaret and St. John, for he gloried in having prevented it, saying, that he must have been an ideot to have submitted. Now if he was not such an ideot as to submit, he was scarcely such a madman as to propose.

Mr. *Fox* said, the right hon. gentleman, he supposed, prided himself on his ingenuity; but he trusted that he should be able to shew that it had no effect; for the fact was simple and plain, that he did refuse to go into the parishes of St. Margaret and St. John first, for no other reason than that his opponents were prepared for that parish and he was not; but when the scrutiny had gone on some time, and his friends and counsel, to whom he certainly owed many obligations, had made proper inquiries in those parishes, then the proposition was made, and he was ready to meet them on fair grounds. He must own, the right hon. gentleman had touched him in a tender point, when he stated, that he had been negligent of a duty to the electors of Westminster; he hoped he never should be negligent of their rights; yet he was ever free to declare, that for himself, and he believed he could speak for almost every other person, that they never had an idea of so particular a stress being laid on the circumstance of not going into St. Margaret's parish first; if they had, care would have been taken to shew by evidence that it was not the fact: but gentlemen should consider, that the rule on which that business was conducted on the former day, was first to hear evidence, and then argument; therefore, before the argument took place, the evidence was dismissed; and it was not to be wondered at, if, on hearing such a multitude of argument, which the right hon. gentleman was pleased to say was founded on fact, reason, law, and the constitution, so trifling a thing as this new matter escaped. But, for his own part, he did not wonder that in such a dearth of facts, such poverty of law, such an imbecility of reasoning, and such a violation of the constitution, as the right hon. gentleman made use of, so trifling a circumstance as not going into a particular parish first, should be the best reason that could be adduced for so ruinous a measure as continuing the scrutiny. But the right hon. gentleman had opposed him during the whole of the election, and taken every measure to prevent his being chosen; not indeed by making speeches, but by arguments far more persuasive—there lay the vexation, there was the delay and intent to harass; but he hoped he would now seriously recollect, that in opposing the petition, he was putting a stop to the electors of Westminster being heard in defence of their dearest rights relative to representation. As to putting the business off, he must own that he was in hopes it would have come on that day, for he loved speedy decisions; but as the period fixed was so near, he was by no means sorry, as it would give the House an opportunity of turning the matter well in their minds: and seeing the dangerous consequences of such a doctrine as was meant to be established, of letting the petioners be heard only in part of the numerous grievances they had to complain of.

The question was put and agreed to. Col. Fitzpatrick then moved, "That the high bailiff and Mr. Philips do attend the House on Monday next;" which was agreed to.

Feb. 21. The order of the day for hearing counsel in support of the Petition of the electors of Westminster being read, col. Fitzpatrick moved, "That the counsel be now called in."

Lord *Frederick Campbell* observed, that if the counsel were permitted to range at large into the question of the election and scrutiny, there would be no end of the proceedings: he thought it would be very inconsistent with the dignity of the House, to let them agitate questions that had been already decided: the legality of the scrutiny was not now to be impeached; the House had already given judgment upon that head; and it would be indecent in the counsel to arraign it. He

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was aware that he might move the amendment he intended to propose, after the counsel should be called in, and as soon as he should hear them proceed to maintain the illegality of the scrutiny; but he thought it more respectful to the House, and to the counsel, that the instructions which he was anxious should be given to the latter, should be communicated to them immediately on their appearing at the bar. For this reason, therefore, he moved, "That after the words 'that the counsel be now called in,' should be added the following, 'and that the counsel be restrained from going into any matters, but such as tend to prove the evidence, offered at the bar of this House on Wednesday the 9th day of this instant February, defective and incomplete, or such other matters as may have been discovered since the order of this House of the same date."

Mr. *Jolliffe* said, that if he was surprised at hearing such a motion, he was much more so at finding from what quarter it came. The noble lord had generally acted with candor and impartiality; but he was sorry to say his conduct on this occasion bore not the stamp of these honourable qualities; on the contrary, it was marked with the strongest features of injustice; for he could not conceive how the noble lord imagined the counsel could do justice to their clients, if they were to be restrained from arraigning a decision, which was the very ground of their complaint; and unless he should suppose, what for the honour of the noble lord he would wish to be unfounded, that his lordship wanted to defeat the object of the petition, he could not find sense in his amendment: better far would it have been, that the petition itself, in support of which the counsel were now to appear, had in a bold and manly manner been rejected in the first instance, than that it should, in this pusillanimous way, be rendered ineffectual, by silencing those who were to maintain it.

Sir *Charles Barrow* appealed to the Speaker, and requested he would inform him, whether, consistently with the orders of the House, two propositions, incompatible with each other, could be blended into one.

The *Speaker* replied, that this point had often been discussed by the House, and though in general two inconsistent propositions could not be thus blended for any serious purpose, yet the practice of coupling two heterogeneous motions together, for the purpose of fixing absurdity on the whole, had often been permitted as a method for taking the sense of the House on any particular question.

Mr. *Eden* observed, that the amendment might be considered in various points of view; and in every one of them it would appear unnecessary, in some of them absurd. He wished, if possible, to ascertain what was the precise idea the noble lord wanted to convey to the House: if, by restraining the counsel from going into any other matters than what should tend to prove the evidence given at the bar to be incomplete and defective, the noble lord meant to prevent them from giving evidence, the amendment was nonsense, as counsel did not give evidence, but commented upon that which was given: if the noble lord wished to give efficacy to the prayer of the petitioners, or to acquire such information as would enable him fairly to determine whether there was any real foundation for their complaint, he surely took the most preposterous method, by gagging the counsel, and thus preventing them from saying, what in their judgment they conceived to be most for the benefit of their clients. For his part, he should thank the noble lord, if he would state any one argument that could induce moderate and impartial men to look upon his amendment as a proposition that could be reconciled either to justice or common sense.

Lord *F. Campbell* could not agree that his amendment deserved to be treated in so severe a manner: his only object was to preserve the dignity of the House, by preventing the counsel from using arguments to prevail upon it to act so inconsistently, as to rescind a resolution which had been passed this session upon the most mature deliberation. He conceived his motion might be made, without meeting any objection, after the counsel should have been called in, and should have been found to pursue a line of argument inconsistent with the dignity of the House; but he thought it might be done with more propriety than at present. He knew that two petitions had been presented from Westminster, that upon one of them the House had already passed judgment, and he was anxious only to prevent the counsel from producing any evidence in support of that petition which was no longer before the House.

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Mr. *Eden* was still dissatisfied with the amendment. If the counsel should prove the evidence already given defective and incomplete, and should adduce such other proofs as would convince gentlemen that the scrutiny ought to be abandoned, what would then become of the dignity of the House, which the noble lord seemed so desirous to preserve? Would it sacrifice justice to consistency? Or would the noble lord advise it to persevere in error, merely for fear it should be charged with inconsistency? The amendment and the petition were irreconcileable, and if the noble lord persevered in the former, he would do well to move next that the latter be flung over the table.

Lord *Maitland* declared he never had been a witness to so extraordinary a proceeding, as was that of the noble lord in moving the amendment: it had hitherto been the constant practice and custom for the counsel to advise and regulate the proceedings of their clients; but the noble lord would overturn this practice, and the counsel would no longer enjoy this privilege; they were no longer to receive instructions from their clients, but from the House; and they were not to urge what they should think most advantageous for the cause of their employers, but what it should please the House to direct: so that he could not conceive for what purpose any man, or set of men, should employ counsel in future. The noble lord had said much about the dignity and consistency of the House: true dignity, in his opinion, consisted more in the renunciation of error, than in an adherence to a resolution lightly formed, and unsupported; and a perseverance in it, under the idea of preserving consistency, was nothing better than obstinacy; but it was something worse, when such a resolution could not be maintained without injustice: and injustice surely it would be in any tribunal to tell counsel, that having once determined to hear a particular point discussed, it could not suffer them to urge the very grounds on which the complaints of their clients were founded, and which were most likely, if agitated, to procure them redress.

The *Attorney General*, not seeing the amendment in the same light in which it appeared to those who combated it, could not give up the opinion he entertained of its propriety. He was not one of those who thought that the House ought not to order the high bailiff to make a return; he thought, on the contrary, that such an order ought to be made, if it appeared that the returning officer was acting *malâ fide*. He was not one of those who would stand up for a rigid adherence to resolutions once taken; and, had no opinion been given by the House since the last session, he certainly would think gentlemen too stiff-necked, if they refused to re-consider their resolution of last year. But, in fact, it had been re-considered in the present session, and, upon re-consideration, confirmed. To agitate, then, the question of the legality of the scrutiny, after so recent a decision, would be wantonly to sport with the dignity of the House. He had often before given his opinion upon the law of this question, and he was not afraid to repeat it, that a scrutiny granted *bonâ fide*, at the meeting of a parliament, might be continued without the violation of any law. The House had twice adopted this opinion; why, then, would gentlemen press upon it for a third decision? Indeed, he saw no end to the proceeding; for no sooner should one petition from Westminster be disposed of, than another would be presented; and so the House would be called upon from day to day to pronounce the scrutiny legal. The right hon. gentleman (Mr. Fox) had frequently thrown out something like a menace, or, to use a less unbecoming word, an insinuation, that a question would be brought forward every week upon this business; and indeed, when he saw how few the subscribers to the petition were in number, he could not but think that it was designed to divide the electors of Westminster into several classes, and make each of them sign a petition, that one might be ready for each week, which should hamper the House perpetually with questions on the legality of the scrutiny. So disrespectful and indecent a proceeding could be prevented only by such a measure as had been proposed by the noble lord, and which should have his most hearty support.

Mr. *Powys* remarked, that the House having decided upon the legality of the scrutiny, he was precluded from treating the decision with that disrespect which, in his private opinion, it deserved; but though the House should confirm it over and over again, he should still maintain, that when the House directed the high bailiff to proceed in the scrutiny, the constitution, in his judgment, received a

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wound, which could not be cured but by the most express condemnation of the scrutiny in the Journals.

Mr. *Vyner* declared, that had he had the honour of a seat in parliament when the business of the scrutiny was brought before the House, and an order was made for the high bailiff to proceed in it, he would have contested against it, as against a measure by which the constitution would receive its death wound; and he did not hesitate to say, that the blow having been given, the dissolution of the constitution could only be prevented by a speedy revision of the resolution of the House, and the expunging it from the Journals.

Mr. *Dundas* said, that this ghost of the Westminster scrutiny would perpetually haunt the House day and night, without giving it a moment's respite, unless the amendment of the noble lord were adopted. Similar instructions had often been given to counsel, and had been voted even before the counsel had been called in; and he quoted from the Journals the case of Mr. Alderman Oliver, who, when an order for his attendance in his place had been communicated to him (in the affair for which he was sent to the Tower with the lord mayor), petitioned the House that he might be heard by his counsel: the prayer of the petition was granted; but the House resolved at the same time, that the counsel should "be restrained from saying any thing against the privileges of the House."

Mr. *Sheridan* was of opinion, that the noble lord's amendment would lead the House into a greater inconsistency than that from which he would be thought desirous to guard it; for the House having received and caused to be read a petition from some electors of Westminster, and ordered that they should have leave to be heard by their counsel in support of the same, the noble lord wanted to persuade gentlemen to make the House in the present, reject what in the former it had adopted and ordered: this would be an inconsistency the more inexcusable, as there was not so much as a single argument advanced that could give a colour to such a proceeding. This petition, on which the electors wished to be heard, had no necessary connexion with any other; and therefore it was a most curious circumstance, that, for fear any thing should be said about another petition, with which the present was unconnected, the counsel were to be restrained from speaking in support of the allegations of their clients, who had already received the leave of the House to plead their cause by proxy; but if their proxy was to be restrained from pleading in support of the petition, for what purpose could leave have been given? The petition was far from being disrespectful; for though the electors complained that they were deprived of their representatives, they said they had paid their share of the taxes that had been imposed by a parliament in which they were not represented. In order to throw a ridicule upon the amendment, he moved an amendment upon it, by leaving out from the first 'as' to the end of the amendment, in order to insert the words, 'the said electors pray to be heard upon in the said petition, and upon which the House have ordered that they shall be heard by their counsel, at the bar of this House,' instead thereof.

Mr. *Dundas* said, this would have no other effect than to cause the same question to be debated in a different form.

Lord *Muncaster* concurred very much with those who wished to see an end of the scrutiny, and of the expenses with which the parties concerned were borne down; and he believed it was then in his power to point out a mode by which these desirable objects might be attained. It had been said within these few days, "that the right hon. gentleman (Mr. Fox) had proposed that the scrutiny should be carried into the parish of St. Margaret and St. John:" if this was true, it would greatly facilitate what he had so much at heart; for he had then in his power a proposal to make, on the part of sir Cecil Wray, to the right hon. gentleman, which he would read as part of his speech. It was in substance, that sir Cecil wished the scrutiny should immediately be adjourned to St. Margaret's and St. John's; that sir Cecil would then object to 400 votes, given to the right hon. gentleman by persons stating themselves to be resident householders of this united parish; that he would object to them, not as paupers, or persons not rated in the parish books, but merely as not resident housekeepers, as non-entities; that if he should disqualify so many as that he should obtain a majority on the poll, he should then be returned, and the right hon. gentleman should have the liberty to petition the House; that if he (sir Cecil) should not disqualify these votes, he would then give up both the

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scrutiny and the right of petitioning afterwards.

Mr. *Fox* observed, that as the noble lord had so personally pointed to him, he presumed it would be expected he should immediately say something in reply to so singular a proposition. It appeared to him very singular indeed, that though sir Cecil Wray and himself were frequently together, he had not thought proper to communicate to him in private, or in the vestry-room, the extraordinary proposal that had been just read by the noble lord: it was also very singular that he should have thought proper to have it communicated to him publicly in the House of Commons. Such a proceeding he conceived to be very disrespectful; and were he inclined to make a compromise on the occasion, he would not treat the House with so much indignity as to make it a party to it. As to the proposal itself, he must say he was astonished at the impudence of it, and was really at a loss how to treat it. Sir Cecil proposed that the scrutiny should be immediately adjourned to St. Margaret's and St. John's. Amazing good nature! after his opponent had disqualified as many votes in St. Martin's as he could, and finding it was likely there would be, after all, a majority against him there, he was anxious to have the scrutiny stopped in St. Martin's, and transferred to St. Margaret's! Here, again, he seemed to make a candid offer, by confining his objections to those voters only whom he should be able to disqualify, as not being resident householders: but there was more the appearance than the reality of good nature and candor in this proceeding; for it was very well known that the principal objections on both sides were to votes given, not by paupers or non-entities, but by those who were not such resident householders as to be entitled to a vote. But what was transcendently candid and good natured in sir Cecil was, that, beginning the scrutiny himself in St. Margaret's, he should be returned, if he should disqualify such a number in that parish as would give him a majority over Mr. Fox in the numbers as they stood at the close of the poll; and this, too, without waiting for Mr. Fox to disqualify in return the objectionable votes that sir Cecil should have in the same parish. But, come what would, he would never consent to so base a compromise: he would never give up the right he had to have determined by a committee under Mr. Grenville's Bill, the question of the return on the day on which the writ, from which the high bailiff's precept derived its authority, was returnable; and until he should be convinced to the contrary by a resolution, he would not believe that fifteen gentleman could be found in that House, who, upon their oaths, would not determine that the power of the precept expired the moment the writ for Middlesex was returned, and consequently that the high bailiff ought to have returned him to that House on the 18th of May last.

Mr. *Bankes* approved of the right hon. gentleman's conduct, in not listening to any compromise in the House, whatever he might do out of it. He wished with all his heart that there was an end of the scrutiny, in which, unfortunately, the House had engaged, and out of which he wished his right hon. friend (Mr. Pitt) fairly extricated. As to himself, he had opposed the scrutiny both in the last and the present session; he condemned it still, and he would always maintain it as his opinion, however he might differ from those whom he most esteemed, that the return ought to have been made for Westminster, together with the writ for Middlesex. However, as the House had ordered the high bailiff to proceed in the scrutiny, as the end of such a proceeding was most desirable, and as gentlemen seemed to wish only for evidence that would justify them in ordering a return, he would wish the amendment carried, in hopes that proofs would be brought to shew, that the evidence on which the scrutiny had been continued, by order of the House, was defective and incomplete. These new proofs would, perhaps, have the desired effect; and then the business of the nation would no longer be interrupted and impeded by debates on the scrutiny. He hoped that his own consistency would not be impeached after this explanation; though if it should, he might, like another gentleman (Mr. Powys) in the last parliament, justify his falling off from his own opinions, because the House had decided against them.

Mr. *Fox* declared it was very far from his inclination to impede the public business of the nation; and he assured gentlemen they had misunderstood him, when they imagined he had said, that there should be applications made to parliament every week on the subject of the Westminster election. He had never said any such thing; but this he had said, that at every turn ministers would meet this scru-

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tiny; they would find it standing in the way of a parliamentary reform, and defeating all its purposes; they would feel that it had raised suspicions of the minister's sincerity, in declaring himself the friend and patron of reform. It had been remarked by a learned gentleman, that there were only a few names to the Westminster petition; (he did not expect to have heard such a remark) for though he might have procured thousands of signatures, if he had invited the electors to a public meeting, he thought it would have been better to present a petition with a few names, than to disturb the quiet of the city by a meeting in Westminster-hall. But should such remarks be repeated again, such a meeting might possibly be thought necessary. He was not at all surprised that ministers should wish to be fairly rid of the scrutiny; it was high time for them to blush at it, when they found themselves deserted on that question by the most respectable of their friends, and by none more respectable than the hon. gentleman who spoke last. A learned gentleman had said, that "the House was to be haunted day and night by the ghost of the Westminster scrutiny." The learned gentleman had probably assisted at some splendid representations of late, in which the ghost of a guilty conscience haunted the misdoer; he might well catch the idea, and tremble for his House of Commons that had murdered the electors of Westminster, and left them aërial forms and spiritual essences, without representatives; well might he fear to be haunted by the ghost of the scrutiny; well might he fear it would push him and his friend "from their stool." Where could he find a man who would not tell him he was sick of his scrutiny? Were not all the minister's friends tired of it? Did not their stomachs turn at it, not because it was nauseous from excessive sweetness, but from its extreme bitterness? Was there a learned man connected with the minister, who, out of that House, did not condemn in the most pointed terms, the beginning and prosecution of the scrutiny? He himself had heard a few days ago, in another place (the court of King's-bench), a learned gentleman, who knew how to treat with invective in the House the declared enemies of the scrutiny, speak of that proceeding with greater disapprobation than he could well have conceived; for he there heard him say, that all law and sense were confounded in the scrutiny: in this the learned gentleman was right; he could wish only that he would endeavour to be right always and uniform, and not find one doctrine for the bar and another for the senate. There was no doubt that the majority of the House most heartily wished for the end of a proceeding that disgraced it; but how was that to be accomplished? Was it by rejecting both law and reason? By refusing to hear arguments that would make the absurdity of the proceeding appear in glaring colours? The poor expedient of the amendment proposed by the noble lord would be found truly futile, if the learned gentlemen who were to appear at the bar had a mind to evade it; and they would be able so to connect the evidence they had now to adduce with that which had been already given, as to introduce the one whilst they were seemingly urging only the other. For his part, he did not see any expedient short of rescinding the resolutions already passed, to cure the wound that had been given to the constitution; for if the scrutiny was to be continued to the same length that the principles would go on which it was ordered, it would last for ever. In discussing this point, two great general propositions would be found to create insurmountable difficulties. One was the universal affirmative, that in every possible case whatever the House was justifiable in granting and carrying on a scrutiny, when the returning officer's conscience required it. The other was the universal negative, that in no case whatever had the House a power to order a returning officer to make a return until his conscience should be satisfied. If the latter should be denied, what would be the consequence? Why, that the former must stand impeached; for if the House must order a scrutiny whenever the conscience of a returning officer called for it, it would follow, that the House could not, consistently with this delicate regard for conscience, compel the man to return the members as long as his conscience was undetermined; and therefore a scrutiny might last as long as a parliament. From this he hoped gentlemen would perceive the absurdity of the past proceedings of the House, and the necessity of providing a remedy for the wounded constitution of the country; and none could be effectual but the expunging the past resolutions, and entering another upon the Journals, passing upon the doctrines contained in them the most unreserved censure. Before he sat down,

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he begged to say a word in support of an hon. member near him (Mr. Powys), who had been charged with having abandoned his own opinions on a former occasion in the last parliament, merely because the House had decided against them: the fact was not so; the hon. gentleman did not change his opinion at all; he even went so far as to say, that he thought the House wrong in the resolutions it had passed; but that, nevertheless, the House having declared it had no confidence in the ministers of the crown, the present Chancellor of the Exchequer ought not to have remained in office. As to the motion of amendment made by the noble lord, he hoped it would be rejected; and that should a motion be made that the high bailiff do make his return, it would meet with no opposition; if it should, it was out of his power to say what farther applications the electors of Westminster would make to the House.

Mr. *Bearcroft* said, that he was the person alluded to by Mr. Fox, as having declared in the court of King's-bench, that the scrutiny was the confusion of all law and common sense; but he said this was not the manner in which he had expressed himself; having to argue a cause that had some little connexion with the Westminster election, he had said he would endeavour to steer clear of that question, which confounded all law and common sense: he was surprised that the right hon. gentleman, whose abilities were transcendently great, should condescend to become a mere word-catcher. He then said, that ever since the right hon. gentleman had set out upon popular grounds in Westminster, he had degraded himself, as well on the scaffold in Westminster-hall as on the coach-box in Palace-yard, haranguing the multitude. Adverting next to the question before the House, he paid the highest compliment to Mr. Sheridan, who, he said, had the quickest penetration, and the liveliest and readiest wit he ever knew a man possess: his amendment was ingenious, and well calculated to throw ridicule upon that of the noble lord; however, he would adhere to the latter, and support it with his voice.

Mr. *Hardinge* wished most anxiously to have it understood that he did not rise so soon after the right hon. gentleman (Mr. Fox) had closed, as presuming to answer him, but in order to save his own former argument, such as it was, from the censure which had been thrown upon it by so eloquent and so able a man. He said that he believed him too ingenuous to misrepresent, and much too clear in his powers of apprehension to misconceive any one who could make himself understood. He would, therefore, have supposed the fault in himself, if he did not recollect that his own argument had been distinctly marked by others, who were yet levelled in the same attack with him. They, as well as he, are quoted as having said the Westminster scrutiny was legal, so as to compel the approbation of it upon the House, whatever grounds of justice might induce them to order an immediate return. He, for one, had never so argued, and he believed no man living had entertained so wild a conceit. It is one thing to say that scrutinies, after the day of the return, are legal, if there is a fair ground of justice for them; and a very different thing to say that scrutinies, after the day of the return, bind the House to act upon them in every case whatever. He adopted, with pleasure, the emphatical words used by his learned friend (Mr. Bearcroft) whose clearness of understanding and of expression he had always admired—the words "granted *bonâ fide*." So qualified, in his opinion, all scrutinies were legal; and it was no argument against their (admitted) legality, sitting a parliament, that if granted wantonly, they would be set aside in their progress, upon due complaint, or condemned after the return.

He stated, in the next place, that he and others had been reproved for the vote they should give that night, if they should vote against opening to counsel the wide field which had been claimed for them; as if such a vote must have this absurd reasoning at the bottom of it—"Let counsel be heard upon the facts which they mean to adduce in evidence, not upon the application of them:" for the right hon. gentleman will have it, that if counsel should be heard upon the application of the evidence offered, they must of necessity complicate their argument with all the other topics of legal or just, which have been debated and closed by the House. There he differed extremely with him; he never dreamt of restraining counsel to the mere statement of their facts; it would be a mockery upon them to put them under that restraint. He meant, for one, that if they would confine themselves to the new evidence, and argue from those premises alone, the most ample field of that argument should be open to them; but he saw no

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injustice in restraining them to those limits; because he understood the single ground upon which they were to be heard at all was this—that facts could be verified by them, essential to the fair decision of the cause at large, but omitted by accident when the cause was heard.

He made no scruple to say that he protested against any farther discussion of the two votes upon the general subject, independent of this new evidence; and that being of that opinion, as the Irish debate was deferred, he would not commit the bull of reasoning upon the justice or legality of the vote in question, as an argument that it should not be re-considered. He would confine himself to the single point strictly in debate, and which he took to be this: Whether the law or justice of the Westminster scrutiny, in a general view of the argument, should be now re-heard at the bar, after two deliberate and solemn decisions upon it? That in fact the law had been twice decided by the House at large, he proved by appealing to the two motions of the right hon. gentleman over-against him, which, as they struck his ear, were syllable for syllable the same, and were put upon the illegality alone; but were negatived by the House. He proved it farther by an appeal to the general course of each debate, which had been to lay the main stress upon topics of law.

He said the House were not exactly apprized of their full merit as judges in this cause, and a merit extremely difficult in practice—the merit of patience. They had heard upon the Westminster scrutiny forty-eight speeches, which at half an hour to each orator, gave twenty-four hours to the eloquence alone: he would say nothing of the witnesses, the points of evidence, and many other bye-battles fought with great spirit; the whole proceeding would reach the size of a large folio volume. Yet he would readily own it was invidious to shut the door against any complaint by parties interested. But, on the other hand, it could as little be denied, that a discretion resided in the most enlightened courts of justice under Heaven to reject or admit complaints after the judgment. Was it, therefore, on principles of justice, fit upon this occasion to admit the complaint?

He should say a few words upon the manner in which it came forward. A petition, complaining of the first vote in general terms, and marked with strong invective, lay snug in the pocket of an hon. colonel (Fitzpatrick) while the cause was re-heard. When it was again decided the same way, he produced that petition; but it must be owned, that he gave a respectful reason to the House for having made it his pocket-companion so long, namely, that his friends, the electors, could not believe the House would be knaves or fools. These were not the words, but I appeal to the House if they do not convey the substance of his apology. This was, he owned, a masterly improvement upon the manœuvre practised in a former session, which he thought so clever at the time, that he despaired of any improvement upon it; but he saw a fertility of resource in the Westminster electors, which amazed him the more he had the honour to know of them. That manœuvre had for its object the acquisition of two counsel more, while the cause was proceeding; and it was accomplished by a petition, the very same as that which then was upon the carpet, except that it stated a political topic omitted in the former. But this expedient of laying by till the judgment, and then saying, "I was not heard upon the petition which lay asleep in my own pocket—hear me now upon it," was more ingenious; perhaps the *ne plus ultra* of ingenuity. It was, indeed, thought a little too ingenious, and given up; yet if the improved petition is heard, upon its general prayer, to support all the rights of the electors, it gives them the effect of that very petition which in form is abandoned by themselves.

Before he took leave of that first petition, he would say that he differed from the noble lord behind him (lord F. Campbell), though he had the highest opinion of his head and of his heart. The noble lord had reprobated that petition for the terms of it; but he (Mr. H.) could feel no such objections to it. Petitioners, he thought, could arraign the House in a written form of complaint, with as much freedom as their counsel could be heard for them at the bar; call things by their names, and give scope to their complaints, real or assumed, upon the measure which it was competent for them to resist. But his objections were to the effect of that petition, or (which he considered as the same thing) to the general prayer of the petition then before them. He would state those objections to the House. First, he would ask, have no counsel been heard in this present session for the elec-

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tors? Has not the right hon. gentleman himself been heard over and over again—the ablest of all counsel for himself and those embarked in the same cause? He asked, if any advocate of this, or of any age, could be named in the same day with him—unless it would be said that a fee communicated every degree of eloquence and argument that human genius could form? But have not counsel been heard even at the bar? Two have been heard for two days together; and though in form, as witnesses, they have been consulted as lawyers, a noble lord (Beauchamp) went the length of asking one of them (gravely too), "if he did not think it most advisable for the House to order an immediate return?" Had no other professional advocates been heard, could the House forget the subtle argument of his learned friend, who came from the other side of Tweed (Mr. Anstruther), and who was grown fonder, he presumed, of the right hon. gentleman, as representing Kirkwall, (a second coalition even improving upon the first); or could they forget another learned friend of his, who dealt in plain English, and saw a good knight of the shire for his own favourite county in the right hon. gentleman, either as representing Kirkwall or Westminster?

He reminded the House of the different powers which had been displayed by those advocates; one of them had given sly blows, the other very hard ones. They were the Dares and the Entellus, no longer opposed, but fighting against the Westminster scrutiny; one of them had the knack of refining upon a subject with great ingenuity; the other had a talent peculiar to himself, that of stating, with a noble indignation, truths which no man living denied; or of asserting disputable tenets, without the ceremony of proof.

But would the House pay no attention to the many characters and advantages which resided in the right hon. candidate himself? He was a party in the cause, and the tendon Achilles proved it; for the House put off the last hearing at the request of his friend (Mr. Ellis), because "it regarded him the nearest." Those were his words. Another day, when he fell into a passion, up rose an independent country gentleman (Mr. Marsham) to intercede for him, by saying, "Consider, gentlemen, that he is a party, and bear with a little warmth in him upon that account." He is a direct accuser, he is a witness, (and if he chooses it, by a loud whisper across the House, while the formal witness at the bar is examined) he is counsel, judge, and politician; but above all, he is—Mr. Fox—a poor man, a patriot oppressed, and hated for his virtue (as he tells us himself) by the minister of the day, who has left him for the sake of power, and supports it by corruption.

All these captivating topics had been day after day pressed upon the House, and pressed upon them in vain. If it is a job, as we are often told, and if numbers are to be the test of it, let us go to the test at once, and make a third experiment of our political strength. If it is a point of sensual enjoyment, that we should hear more speeches upon the subject, if the House is *lassata viris nondum saciata*, let us jade the appetite which cannot be surfeited. If it is a question of policy, it has nothing to do with law. If it is a point of law, it has been deliberately settled by two successive decisions; and I am not ashamed of deprecating a third argument upon it, for this additional reason, that we are to legislate, as well as to act in judgment. It would be of dangerous example, in my opinion, to obstruct the energies of government at such a time as this, by carrying the delicacy of our judicial character beyond the limits of that sober discretion, which any court of justice would make no scruple to adopt.

Mr. *Adam* enumerated the counsel on the other side: a judge high in office (the Chancellor of the Exchequer), had examined witnesses; and had even descended from the judgment-seat, in order to plead the cause of sir Cecil Wray. Another judge, high in office, had done the same: the learned counsel who spoke last but one had taken a very active part in the examination of witnesses; so that, though sir Cecil Wray had not a seat in the House, he had been able to procure a numerous bar of lawyers to defend his cause; and so eager were his judicial friends to promote the object of his heart, that they had descended from their high stations, to mix in the ranks with private advocates.

Mr. *Martin*, though a plain man, could not think himself justified in passing over the present question without mentioning, that conceiving the measure of a scrutiny to be from the beginning unpromising, and by no means according to the usage of the House, he had voted against it before, and would now vote in favour of the counsel going into every ground of

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argument which might tend to prove the system ill-founded in general. He wished, however, that the House might enable him to do this by not sitting up to such unreasonable hours as heretofore on the subject. The first part of the debate being generally taken up with the speeches of those who were most remarkable for eloquence, put it out of the power of others, who had an equal right to speak, either from giving their opinions or their votes. For his part, he would be very glad to divide on this occasion, if the House should enable him to do so, by coming to a decision in any reasonable time.

Mr. *Pitt* said, that though neither his sentiments nor situation would justify him in being silent on this discussion, he was, however, resolved, that his trespass on the patience of the House should be of very short duration. Without considering himself to walk on those burning ploughshares, with which he was threatened from the opposite side of the House, should he still maintain his opinions on this question, without all those terrors and apprehensions about him, with which some expressions seemed calculated to impress him, he was still determined invariably to pursue that system which seemed to him most commendable and advantageous; never disposed to relinquish his judgment for the threats of avenging ghosts, spectres, and apparitions, which were to haunt his guilty conscience, under the appearance of Westminster electors. When the hon. gentleman, in the warm colourings of his imagination, conjured up these spirits against him, and those with whom he had had the honour to act, it naturally occurred, that he, from frequent experience, was the fittest person to reduce the electors of Westminster to shadows and aërial beings, who had so often before given

———to airy nothing,
A local habitation and a name.—

With a mind perfectly easy, then, he could go this night to his bed, not fearing to be disturbed by the ghost of any Westminster elector; he could even venture to assure the hon. gentleman, that on this occasion, however sanguine his hopes and however founded his expectations, if he promised himself success on the issue of this question, he would find his calculations exceedingly erroneous. This question was barely on the order of proceeding, and by no means referred to the merits of the petition. In this he was borne out by the testimony of an hon. gentleman (Mr. Sheridan) who declared it this evening to be irrelevant to the general merits of the scrutiny and the former petition, and a dereliction of sentiment, which he could account for on no other principle, than that the hon. gentleman was convinced by this, that admitting counsel to go into a question on which the House had already decided, was a proceeding quite unparliamentary. To the numerous observations made on the other side for the purpose of observing that the introduction of this latter petition was attended with no delay, he need only remark, that if the electors of Westminster thought the substance of their former petition worthy of discussion by counsel, they certainly would have demanded it; but not having done so, and coming afterwards before the House with another petition, desiring to be heard by counsel on that as well as on the former, was, *priviâ facie*, a delay, without even considering on this occasion, their giving up that counsellor, who formerly, and so ably, was accustomed to appear for them. He said, that the right hon. gentleman (Mr. Fox) had misunderstood, or misrepresented a noble lord, when he said, that objections had been made to the smallness of the number who signed the Westminster petition. For the noble lord's argument was, and in his opinion a very good one, that by bringing petitions piece-meal before the House, the worst of precedents might be introduced; another party insisting hereafter, that whereas these men had been heard by the House, they should also have the same indulgence; and by these means the genuine merits might never come completely before the House. But it was to him not a little extraordinary to hear the right hon. gentleman giving instruction in what manner his counsel should proceed, and denying that it was possible for the House to restrain them if they would. Indeed, when it was considered that the point of information which now came out, was, the right hon. gentleman sanguinely wishing, and eagerly panting to meet his adversaries on that ground where he knew them to be best qualified, namely, in the parishes of St. John and St. Margaret, had openly proposed to carry the scrutiny immediately into them, though he had lately declared in the House, that he should be an ideot to agree to the same proposal when made to him by others; it was not any way

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strange that he should wish to give them a more ample field of discussion. In his mind, without granting them such an improper indulgence, this might sufficiently support any inference from the matter contained in the present petition, without any reference to the former. If they could argue nothing without recurring to the other petition, it was easy to see that the reason must be, because this petition contained nothing on which they could argue. It was easy on this subject to appeal to the passions of people, as had been fully exemplified in the speech to which the House had lately with so much pleasure been witness. To him, indeed, it conveyed some menaces; but as he was determined not to let aërial adversaries frighten him, neither would he be much terrified with the appearance of that learned gentleman (Mr. Erskine) whom he understood to be one of the counsel, though yet smarting with the wounds his learned discipline inflicted on him, when he had not even the friendly interposition of the bar to protect him. He was prepared to meet all this terrific muster, well founded and ably supported as he was by the rectitude of his opinion. There was but one way to decide, either to restrain the counsel from going beyond the points which should occur under this petition, or the contrary. Should the House prefer the contrary, they would arraign their own proceedings, and contradict their own orders; for the prayer of the former petition was, that the high bailiff be forthwith ordered to make a return, though their directions to him were, that he should proceed with the scrutiny. Should the House agree to restrain the counsel, which he trusted they would, it would be only maintaining their own proceedings. He concluded by giving his concurrence to the amendment first moved.

Mr. Sheridan with the leave of the House withdrew his Amendment. After this, the House divided on lord Frederick Campbell's Amendment:

Tellers.

Yeas	Mr. Eliot Mr. Rose	203
Noes	Lord Maitland Mr. Sheridan	145

So it was resolved in the affirmative. Mr. Erskine and Mr. Piggott were then called to the bar, and the Speaker having read the resolution, Mr. Erskine addressed himself to the House as follows:—

"Mr. Speaker; as my learned friend and I cannot submit to the restraint which the House in its wisdom has been pleased to impose upon us, without departing from the positive instructions of the electors of Westminster, whose rights under the law, we were engaged and prepared, as lawyers, to assert and support, we must beg leave to withdraw ourselves from the bar."

They accordingly retired, and the high bailiff was called to the bar, and during a close examination, answered the several questions proposed to him, to the following substance: That the declaration drawn up in the vestry by Mr. Sheridan certainly was in his words, though all he said was not comprized in it. That Mr. Phillips mentioned the challenge alluded to for going into St. Margaret's and St. John's, to sir Cecil Wray's counsel, Mr. Morgan, across the table; but he could not tell whether seriously or in jest, as many other challenges were made: that he heard no more of that matter from the time in which it was proposed to Mr. Morgan, as he now mentioned, until after his late appearance at the bar of the House, and that it was not made in a formal manner to him. That he was not certain Mr. Morgan heard the proposal, though he had no reason to doubt but he did; and if Mr. Morgan made any answer, he could not charge his memory with it. By subsequent interrogatories, however, it was brought to his recollection, that Mr. Morgan answered he was not prepared. This circumstance, he said, did not diminish his scruples, and made no impression on his mind either way. That he got no lists of bad votes on Mr. Fox's side in the two parishes of St. Margaret and St. John, because he thought all that would come out in the course of the scrutiny: that if he had received such lists, he could not make up his mind on them, except publicly at the scrutiny, as that was the way he thought himself authorized to proceed: that he could not pry into the breasts of men, and therefore did not wish to say whether Mr. Fox endeavoured to create greater delay to the scrutiny than sir Cecil Wray; and he knew no overt act by which Mr. Fox's agent seemed afraid of going into these parishes: that neither he nor his assessors had yet made out any plan for shortening the scrutiny, but were determined to do so when the scrutiny should be removed into another parish: that if both parties chose investigators into each other's votes, and their decisions should be reported to him,

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it might satisfy him: that if the proposal was accepted by Mr. Morgan, or if it came from him, he would acquiesce in it, though objection should be made by the electors themselves: that he was now no less embarrassed in his conscience than he had been at the time of his first granting the scrutiny when he closed the poll. The high bailiff, at the conclusion of his examination, was desired to withdraw; soon after which, on his complaining to the House of being indisposed, he was permitted to go home.

Colonel *Fitzpatrick* then rose, and having remarked that as some gentlemen seemed to think that to bring the counsel before the bar would be a partial evidence, or that if the counsel of one side should be heard, it would be necessary to hear the counsel of the other, said, that he would move that the order of John Philipps, esq. to attend the House be discharged; which being agreed to, he proceeded to comment briefly on the omission of that material circumstance in the discussion on the last petition, which being now given in evidence at the bar, rendered perfect and complete a deposition that before was otherwise. The House, in justification of the scrutiny, had alleged, that Mr. Fox was afraid of going into the parishes of St. John and St. Margaret, knowing that he would then lose his majority; but it was now sufficiently clear to them that the reverse was the fact, and that his counsel had offered at an early stage to expedite the scrutiny, by immediately transferring it to those parishes. On considering this, as well as the slow and ineffectual manner in which the court of scrutiny proceeded, he had no doubt but the House would unanimously agree with him in the motion he intended to make. He then moved, "That it appearing to this House, that Thomas Corbett, esq. high bailiff in the city of Westminster, having received a precept from the sheriff of Middlesex for electing two citizens to serve in parliament for the said city, and having taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, he be now directed forthwith to make return of his precept of members chosen in pursuance thereof."

Mr. *Dundas* could see nothing in the information which the House had now received which could induce them to alter their opinion. The same places in which Mr. Fox was said to be most vulnerable still remained to be scrutinized, and one consideration in particular should be attended to, that the parish of St. Margaret stood next in the ballot, and the House on the event of that might in a great measure form their judgment, but till then he saw nothing to justify the motion now made. The proposal as stated by the high bailiff, was only a bravado, instances of which had before often appeared. If Mr. Philipps had been serious, he would have made this proposition in a formal manner, and it would have been much spoken of. Besides, the high bailiff declared he was still under as many embarrassments as he had been at the close of the poll. He concluded by opposing the motion.

Lord *North* entered into a refutation of Mr. Dundas's arguments. Nothing, he said, could more clearly prove Mr. Philipps to have been serious in the proposal alluded to, than that Mr. Morgan answered, "He was not prepared." It must require great preparation indeed to examine into Mr. Fox's bad votes in these parishes, if sufficient inquiry had not been made previous to this proposal, though these parishes seemed to be the first, both in point of time and attention, to which they directed their inquiries: but in his mind, the principles on which the scrutiny was founded were sufficient grounds for putting an end to it. The difficulties which the House every day met in endeavouring to support the execrated system, and, above all, the unsettled and embarrassed state of the high bailiff's conscience, should loudly and effectually call for the immediate termination of it. The high bailiff had given some instances of his impartiality to the parties; but if any bias rested on his mind, it certainly was not in favour of Mr. Fox. But surely a man with so tender a conscience could not satisfy himself by scrutinizing the votes in those two parishes where Mr. Fox's weakness was supposed to lie, without giving him the chance of trying those parishes in which he considered him strongest. He could scarcely suppose the partiality of gentlemen for sir Cecil Wray would carry them to such extraordinary lengths as to desire that Mr. Fox should not be returned on the face of the poll on the very day when the writ was returnable, and that sir Cecil Wray should be returned on half a scrutiny. If this was considered as a remedy, it was such a one as made the evil much worse. With regard to the delays of the scrutiny,

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they were as innumerable as the causes which contributed to them; for in whatever point of view they were taken, they still more and more increased. If the number of bad votes in St. Margaret's and St. John's was greater than elsewhere, their investigation must still serve to prolong the scrutiny. It was said to be protracted by one of the high bailiff's assessors, who was a learned and an honest man, because he thought fit, before he pronounced his decisions, to go into the delay of hearing both sides; and the succeeding assessor, though perhaps not so nice, must contribute in some degree to this delay, as probably he might sometimes find himself under the necessity of hearing both sides also. In the many funds for furnishing this scrutiny with delay, some might be drawn from the proceedings of this House on Friday last, when they refused to go immediately into the discussion of the question for limiting counsel to what they should speak to, though they were resolved to have done it on this. And what was not a little astonishing, these eternal advocates for delay were themselves the first to exclaim against it. One learned gentleman carried his attention to the matter so far as to mention a list of forty-eight speeches made on this subject. The learned gentleman's own speech made the forty-ninth; and it reminded him of an old saying—"'Tis the last feather breaks the horse's back." The noble lord adverting to the charge brought against Mr. Fox, for speaking so often on a subject in which he was a party, said, that every honest and patriotic man was a party. The gentlemen on the opposite side considered Mr. Fox as a powerful adversary: they first endeavoured by every means to keep him out of parliament; and when, by the interference of the electors of Kirkwall, they found that was impossible, they then did all they could to keep him silent. He said that these things were too glaring to be overlooked, and he trusted they would meet with the contempt which they merited.

Mr. *Pitt* said, that if the new evidence was true, it certainly was material; but he much doubted its authenticity; and as the scrutiny was now near coming to the parishes that were so ardently wished for, he thought it ought to proceed.

Mr. *Fox* said, that the lateness of the hour and the full and ample manner in which his noble friend (lord North) had discussed the subject, made it necessary for him to say but few words. How any gentleman could disbelieve the evidence, he was at a loss to know; or how any person could say it had fallen short of expectation, was strange; for it was a plain simple fact that was not to be controverted; and as to the circumstance of his not being present when the proposal was made, it was well known that both sir Cecil and himself, when they went out of town, left their causes in the hands of their counsel; and Mr. Morgan certainly gave a clear positive answer, when he said he was not prepared. Yet it was to be laid down that it could not be possible for Mr. Fox to be unprepared on the 10th of June, and ready on the 10th of July; but it was possible that Mr. Morgan might be prepared on the 10th of June, and not ready on the 10th of July! That it was a matter of surprise to the high bailiff, that the proposal was refused, was plain, for he declared that he had often since mentioned it to Mr. Grojan. But it surely was imagined that he must be an ideot, or such an indecent proposal as that exhibited by sir Cecil, through the hands of the noble lord (Muncaster) could never have been made. It was nothing more nor less than this—Let the high bailiff make a partial investigation in one parish—strike off as many votes as would give him a majority—make an instant return, and leave Mr. Fox to petition against the merits. No; whilst he had a majority on the poll, he never would submit to such an indecent and unconstitutional measure; nor could he by any means consider that House as a fit party to make a compromise on a business which, agreeably to law, ought to be decided in his favour; for it was a fundamental principle, that he who had the majority on the poll should be returned; and he who, on investigation, had the most legal votes, should be the sitting member. He had observed, by the questions put from the opposite side, that the high bailiff's conduct had not pleased them; he was rather too conscientious for them, and not willing to proceed in the partial manner they wished for; it was plain that they had given him some broad hints to proceed in a manner that they were afraid to avow, and ought to be ashamed to be seen in. With respect to the finishing the next parish in eight days, let them do it as they wished, and, by striking off a number, partially make a return. But hardy and desperate as they were, he trusted they had not courage sufficient to do that.

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Mr. *Fitzherbert* said, that last year, when he gave his vote for the scrutiny, it was on a supposition that the idle tales were true, and that the scrutiny could soon be gone through: but now he was convinced the business was not to be finished under several years, and that the scrutiny was inadequate to do justice; therefore an end ought to be put to so shameful, so oppressive, and so arbitrary a measure. With respect to the consequence of the high bailiff, it was a mockery of justice; and the minister talking of a reform in the representation, whilst such a glaring absurdity as this was suffered to exist, was idle in the extreme.

Sir *W. Dolben* thought it would be cruel to order the high bailiff to make a return until his conscience was satisfied, if it was three years thence; and sooner than the scrutiny should be put an end to, he would move to address his Majesty to suffer it to go on, and pay the expense on both sides, and to assure him that the House would make good the same.

The House divided:

Tellers.

YEAS	Mr. Hussey - - - - Mr. Sheridan - - -	136
NOES	Mr. Eliot - - - - - Mr. Robert Smith. - -	145

Majority for continuing the Scrutiny 9.

March 3. Lord Muncaster presented a Petition from certain electors of Westminster, setting forth, "That at the last election for the said city, many hundred persons polled who by no means were entitled so to do; and that, at the conclusion of the said election, which had continued forty days, a scrutiny was demanded by sir Cecil Wray and certain electors, which scrutiny was granted by the high bailiff, who has been since ordered, by this honourable House, to proceed in the same; and that the petitioners, anxious to discover and expose any imposition which may have tended to violate the right of election, and apprehending that endeavours may be made use of to rescind the late order of the House, respecting the continuance of the scrutiny, do most earnestly intreat the further indulgence of the House, in full persuasion that, from the farther prosecution of the inquiry, they shall be able to procure justice, the only motive for demanding the scrutiny, and the sole object of the petitioners application."

The Petition having been ordered to lie upon the table,

Mr. Alderman *Sawbridge* rose and said, that as it was now so universally agreed, that a mode of trial so vexatious, litigious, and abominable, as the Westminster scrutiny did not exist, he flattered himself he should not have occasion to take up much of the time of the House, or provoke any long debate, by moving to put an end to it. Sir Cecil Wray, he said, it was well known, wished to be rid of it; and though the pride of his committee might have stimulated them to sign the petition that had been just read, yet he was persuaded they would be glad to have so good an excuse for its being at an end, as the order of the House to discontinue it. With regard to the opinion of that House, there were not ten men in it, he was convinced, who did not wish it was over, for reasons which he would not inquire into, because he wished not to provoke ill humour, or say any thing that had the smallest appearance of invidiousness. Mr. Sawbridge stated the situation of the scrutiny, and said, if it were ordered to conclude immediately, sir Cecil Wray would be found to have gained only two by the scrutiny, although Mr. Fox had not nearly gone through his list of bad votes in St. Martin's. With regard to the 400 bad votes in the parishes of St. Margaret and St. John, it was highly improbable that half of them could be established, and Mr. Fox would undoubtedly be able to set aside a great number of sir Cecil Wray's voters. He said farther, that about the one-fourth of the scrutiny was gone through, and it had taken nine months to proceed thus far; the whole, therefore, would not, in all likelihood, be completed in less than a year and a half. To what end, then, continue so tedious and so fruitless a process? He concluded with moving, "That it appearing to this House, that Thomas Corbett, esq. high bailiff for the city of Westminster, having received a precept from the sheriff of Middlesex, for electing two citizens to serve in parliament for the said city, had taken and finally closed the poll on the 17th day of May last, being the day next before the day of the return of the said writ, he be now directed forthwith to make a return of his precept of members chosen in pursuance of it."

Mr. *Pitt* said, he rose not to debate the question; it had been so often discussed that farther argument was unnecessary. Had any new ground for the putting an

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end to the scrutiny been stated, he should have given it its proper degree of weight; but as the worthy alderman had no authority from sir Cecil Wray to declare that he was tired of the scrutiny, and as the noble lord behind him had received due authority to present a petition from certain electors, praying that the scrutiny might be continued, he should sit down with moving, "That the House do now adjourn."

The Earl of *Surrey* said, he would state a new circumstance which he hoped would make the same impression on the right hon. gentleman that it had made on his mind, since it was an incontestible proof how nugatory a court of scrutiny was. The circumstance was this: a person resident in Westminster, and who had a right to vote, had voted twice, once for Mr. Fox and once for sir Cecil Wray. His vote was consequently attacked, and the result was, his good vote was struck off, and his bad vote suffered to stand. He had intended, had the House met on Tuesday, to have moved, that the high bailiff and his assessor should attend at the bar to prove this fact; he wished not, however, that the House should take it on his single assertion, but was willing, if they chose it, to be examined in his place.

Sir *W. Dolben* said, he detested acts of tyranny as much as the worthy alderman, but he thought the fact alleged in the petition, that sir Cecil Wray's committee had discovered that 400 persons had voted for the parishes of St. Margaret and St. John, who had no existence in the parish, ought to come home to every man's feeling, and induce him to vote for the scrutiny's going to that parish.

Mr. *Præd* contended for the continuance of the scrutiny, and said a scrutiny was what every member of that House knew himself to be liable to when he stood an election.

The question being put, that the House do now adjourn, the House divided:

Tellers.

YEAS	Lord Muncaster - - -		124
	Mr. Rose - - - - -		
NOES	Lord Maitland - - -		162
	Mr. Sheridan - - - -		

Majority against Mr. Pitt's Motion - 38

The main question was put and carried without a division. Mr. Fox then moved, "That the former proceedings respecting the scrutiny be expunged from the Journals." A debate ensued, during which strangers were excluded from the gallery. The argument was on the impropriety of making the motion without previous notice, and at so late an hour. It was agreed to postpone it to the ninth instant.

March 4. The high bailiff made his return of lord Hood and the right hon. Charles James Fox; and a question arose, what the House should do with it, as the return was not stated on the day appointed by the writ. The question was put, That the deputy clerk of the crown do annex the said return to the writ for the county of Middlesex, and agreed to.

March 9. The order of the day being read for resuming the adjourned debate on the motion made upon Thursday last, "That the proceedings of the House of the 8th Day of June, in the last session of parliament, in relation to the last election for the city of Westminster, be expunged from the Journal of this House,"

Mr. *Francis* said, that he took the liberty of offering himself to the Speaker's notice before other gentlemen who were more in the habit of speaking and better entitled to be heard, for a reason which he hoped would give him a claim to the indulgence of the House for a few minutes; that during all the debates which had passed in the last and present session, on the question of the Westminster scrutiny, he had never troubled the House with one word upon the subject. Yet he might venture to say, that no man had given greater attention to the debates, or endeavoured more carefully to make himself master of the circumstances and merits of the whole transaction. But, whether a proper opportunity had not offered, or whether all the topics were anticipated and exhausted by abler hands, it so happened that this was the first moment of his attempting to offer an opinion about the Westminster election, any other way but by his vote. That though he had been silent, he was not insensible of the injury done by the thing, or of the consequences of the precedent established by it. He had felt for the injury done to the gentlemen who ought to have been returned in the first instance, and who had been so long dispossessed of their seats. He had taken part with the city of Westminster, deprived of their share in the legislature, and taxed, heavily taxed, by a House of Commons in which they were not represented. But these considerations were

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either personal or temporary, and therefore appeared to him of little weight, in comparison with the wound which was given to the rights of the people at large, and to the popular part of the constitution of the kingdom. He confessed, too, that there appeared to him in this business, something more injurious and more affecting than barely the injury that was done. He could not but compare the stroke that was given with the hand from which it came. That the resentment, excited by an injury, had a natural and necessary relation to the power or to the person who did it. If he were a declared enemy, we were not disappointed at any instances of his enmity. We expected nothing but hostility from him, and it was our own fault if he took us by surprise. We ought to be constantly upon our guard against him. But if, on the contrary, he were a professed friend, a loudly-professing friend; if, for example, the very hand, in which we were told that the people themselves have placed the sword, was lifted against them; if the power employed for their destruction was derived from their confidence, the common feelings of enmity would then be exasperated by the deepest and bitterest sensations of resentment. With this sense he believed that the whole business of the Westminster scrutiny had been received and felt by the nation at large. That the House had at last seen the error into which they had been led, and greatly to their honour had already taken one important step towards repairing the mischief that had been done. In this state of the business, he took part with particular pleasure, because the question now had nothing personal in it. The right and interest of lord Hood and Mr. Fox were already completely provided for. The question now was purely public and national, and every individual in the kingdom had just as great an interest in it as the electors or representatives of Westminster. That it rested with those gentlemen who had voted against the scrutiny, or for putting a stop to it, or who, by their absence, had shewn their disapprobation of those measures, and unwillingness to support them, to determine with themselves whether a proceeding which they had pronounced to be injurious as a fact, was not equally dangerous as a precedent; whether, after cutting away the branch, they would leave the root out of which it grew; whether they would suffer a power to exist, the exercise and application of which they had solemnly condemned; in short, whether, when they had done justice to the parties immediately concerned, they would suffer the doctrine to survive the instance, and to be again applied as it had been, either to the purposes of personal oppression, or to shake the fundamental principles of that relation in which the constituent and representative powers of the people stand to each other? Such a question need only be stated to be answered, and to insure its own decision. But gentlemen would be told that, if they would act consistently, they must at least support the legality of what they had done; and that they would disgrace themselves if they admitted, that their first resolution, however mischievous in effect, was originally contrary to law. But the disgrace of commiting an error was not to be compared with that of persisting in it. Many gentlemen had shewn by their conduct that they thought so. But in truth the question of legality was decided. The vote which put an end to the scrutiny did virtually declare, that the scrutiny was not legal; for if it were legal, and if the high bailiff's court were a competent court, exercising a lawful jurisdiction, it would have been a most exorbitant act of power for that House to have interposed *pendente lite*, to have stopt the trial, and prevented a regular decision of it. If the scrutiny was legal, sir Cecil Wray's claim to the judgment of the court on the merits of his cause, was a claim of right, of which nothing but violence could deprive him. Was there any other court of justice in the kingdom whose proceedings between party and party could be stopt by a vote of the House of Commons? That vote at once pronounced upon the incompetency of the court, and the illegality of the proceedings. The House, by its own act, had established the premises on which the motion was founded, and could not, without inconsistency, or something worse than inconsistency, refuse their assent to the conclusion. The present motion called upon their honour, upon their justice, and upon their consistency, to determine, that a proceeding which they had pronounced to be a violation of right in the persons of lord Hood and Mr. Fox, and in the persons of the electors of Westminster, should never be attempted hereafter against any other city, or any other individual. In the course of this night the House would hear abundance of legal and technical argument, more likely to perplex than to

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enlighten their minds; he, therefore, humbly recommended to those gentlemen, who, like himself, were not learned, to ask their own understanding what was reasonable, to ask their own conscience what was just, and leave it to the learned profession to prove, if they could, that that which was neither just nor reasonable, might, nevertheless, be perfectly legal. For his part, he considered the first proceeding of the House as not only involving an unjust decision, and therefore to be reversed, as not only laying the foundation of dangerous principles, and therefore to be removed; but as fixing an imputation on the justice and honour of the House, which therefore ought to be utterly done away, and no traces of it left: that the record in which it stood, would otherwise be a perpetual reproach to the integrity of the House, and degrade their character in the opinion of posterity.

Mr. *Bastard* agreed, that the constitution had been wounded by the resolutions which maintained the legality of a scrutiny after the return of the writ. To heal the wound that had been given, there appeared to him to be but two ways; one was by expunging the resolutions directing the high bailiff to carry on the scrutiny; the other, by passing a law to prevent the possibility of scrutinies in future after the return-day of the writ. If he should hear from any of the confidential friends of government, that they had it in contemplation to bring in a bill for that purpose, he should hear the intelligence with a great deal of satisfaction. But, in the mean time, it became him to do what depended upon him, to vote for the expunging of the resolutions. They were a monument of the folly of the House, and could not be too soon removed.

The *Attorney General* rose to defend administration and himself, for the part they had taken in passing those resolutions, from which gentlemen seemed to apprehend so much danger. Upon the legality of the scrutiny he had already given his opinion; he was ready to repeat it, and to stake upon it, his professional reputation. He maintained, then, that though in general a return of members ought to be made on or before the day on which the writ was returnable, yet circumstances might possibly arise which would warrant a departure from this rule, and justify the carrying on of a scrutiny, even after the meeting of a new parliament. The proposition maintained by the enemies of the scrutiny was too general, for it went the length of declaring, that in no possible case could an election be carried on after the meeting of a new parliament. In his opinion, cases might arise in which the returning officer would be fully justified in continuing his poll after the return-day of the writ should have elapsed. He supposed, for instance, that the sheriff of Yorkshire having proceeded to take a poll, and by manœuvres of the candidates it should have been protracted, that not a fifth of the freeholders should have polled before the day on which his writ was returnable; in such a case, he asked, if the sheriff was to return those who had a majority on such a poll, whether they could be really called the representatives of the freeholders of that large county? He contended, that the sheriff would more strictly obey the spirit of the writ by proceeding with his poll than by returning persons who could not be called the representatives of a people, four-fifths of the freeholders of which might not have had an opportunity to give their suffrages.

The differences between the two sides of the House seemed to consist in the latitude given to the positions by both. He would not admit the very general proposition, that no possible case could occur in which a scrutiny, carried on after the meeting of parliament, might be justifiable; and he contended only for a very narrow proposition, that there was a possibility that such a case might occur. He did not expect, that on this day it would be thought necessary for him to defend the legality of a measure which had already undergone so very solemn an investigation; and which was sanctified by so great a majority as 233 to 136. He maintained, that if any part of the proceedings was to be expunged, the whole of them ought to be erased from the Journals; consequently the question must be, that those who had composed the vast majority were called upon to confess themselves to have been either sufficiently corrupt to vote for a measure which they knew to be illegal, or so foolish as not to have known whether they were right or wrong. The motion then under consideration, had, therefore, for object, to make those gentlemen confess their ignorance or corruption, and to make the *amende honorable* for their past conduct: he might suppose, therefore, that if they concurred in the motion, they would all appear next week in white sheets in West-

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minster-abbey, to do penance for what they had done. He was aware that it would be unpleasant to the House to hear law arguments in support of the scrutiny, and consequently of those resolutions which it was the object of the gentlemen on the other side to have expunged: but still he thought it his duty, however unpleasant the task, to urge some arguments which brought conviction to his own mind on the subject. Several arguments had been drawn, from analogy, to support and to condemn the scrutiny; for his part, he was satisfied that those which were to support it were the stronger. In the court below, different opinions might prevail with respect to certain circumstances relative to writs; he was ready to admit, that a sheriff, impowered by a writ to arrest a man for debt, had no authority to make the arrest on any day after his writ was returnable; but this case was very different from that in which a sheriff should have actually begun to obey his writ, without having had time to complete the exigence of it; thus, for instance, if a sheriff should, under the authority of a writ, sieze the goods of A. B., and he should afterwards be informed that they were not the property of A. B. but of some third person, he would be justified in issuing a writ *de proprietate probanda*, even at the very eve of the day when his own writ was returnable; so that he must make a return before proof could be made to whom the property really belonged; yet, upon returning this special circumstance to the court, that he was actually employed in the execution of his writ, the court would enlarge the term, and give him time to proceed in his inquiry to whom the property really belonged. This was an analogous case to that of the high bailiff, who finding it difficult for him to determine who had the legal majority of votes at the Westminster election, had reported the special circumstances of the case; and the House did what the courts below did every day, it gave him leave to proceed in the measure which appeared to him to be necessary to determine who were the legal representatives for Westminster.

From analogy, the gentlemen on the other side went to acts of parliament; but, in his opinion, with no better success. The Act of Henry 6, indeed, gave an action against a returning officer, who should neglect to make his return in due time; and enacted, that the action should be brought in the space of three months from the meeting of parliament. But a moment's reflection would shew that the case of Westminster was not within that statute; for there the question was, not of a returning officer who, during a scrutiny, held over the return, but who, after the election was concluded, neglected to make his return. It was clear that the legislature, by not having made at that time any regulation relative to a scrutiny, had not an idea that it was possible means could be contrived for protracting a poll to the very day of a return, or a scrutiny to any length that might be thought advisable by a candidate. When the 6th Hen. 6 was passed, there was no poll at all; at least there was no written poll. [Here Mr. Ellis shook his head, as if disapproving of the assertion.] Mr. Attorney, observing this, said, the right hon. member seemed as if he would be thought to have lived at the time spoken of, he appeared to be so well acquainted with what was, or rather, what was not, the practice at the time alluded to. He then pursued his former observation. In those early days, he said, when the right of voting was confined to persons possessed of freeholds of the value of 40*s.* a year, an elector was as well known in a county as a member of parliament at the present day; and consequently there was no occasion for a scrutiny when each man's right of voting was well known to the rest of the freeholders assembled in the county court. In those times the sheriff was obliged to proceed to an election in the first county court held after the receipt of the writ; so that it frequently happened that the writ having been received only a few days before, the freeholders met in the sheriff's court without knowing beforehand that there was to be an election of knights to represent them in parliament, consequently there was no room for a canvass; and as the right of each freeholder to give a vote was known to every other in the county court, there was no occasion for a scrutiny; the business of the election was therefore soon over. Some names were proposed, and the sense of the meeting was taken upon the nominations; the reckoning of heads on the occasion was the origin of a poll. In after-times, the right of voting becoming less known, it was necessary to take the poll in writing, and thence a scrutiny naturally sprung. But no necessity appeared that a return should be made in all cases on or before the return-

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day of the writ; for this return had been ordered by the Act of Henry 6, seemingly for the sole purpose of making sheriffs return their writs as soon as they were executed; a thing in which, it would seem from the statute, they were not very negligent in doing before the passing of that law. But if gentlemen would contend that the return ought to be made immediately after the writ was obeyed, they would find a difficulty not easily to be removed, in the case of an election begun during the sitting of a parliament; for though, by a more modern statute, a return in such case must be made within 14 days after the election, yet the meaning of the word election might not be so easily ascertained: most people were agreed that a scrutiny was a continuation of the poll, which was the election; therefore, if the scrutiny was part of the election, the return need not be made till the conclusion of the scrutiny; and if all candidates were as ingenious as some had been of late, the election might be made to last as long as the parliament.

An hon. member had said something of the propriety of a law to prevent a repetition of what had happened with respect to the late election for Westminster: he concurred with him most heartily on that head; for, however unnecessary he might formerly have deemed a new law, where the old was sufficiently explicit, he was now of a contrary opinion, having seen the various manœuvres that had been used to protract both the poll and the scrutiny: he himself had for some time past entertained presages that the House would be obliged to put an end to the scrutiny, however legally instituted. He had seen that a candidate had been dextrous enough to protract the poll to the very last day before the return, so as to make it necessary that a scrutiny should be carried on after the meeting of parliament; and he was then no less dextrous in defeating the scrutiny by similar manœuvres; so that it would seem as if he had argued thus with himself: "I will take care, in the first place, that a scrutiny shall be necessary; and in the next, that it shall not be carried on; for I will throw such obstacles in the way of it, that I will make the House heartily sick of it." The consequence of this was, that the House was driven to this alternative; either to carry on the scrutiny with all its delays, and keep Westminster unrepresented, perhaps during the whole parliament, or else admit a person to sit for that city who, there was reason to think, was not its legal representative: 'ex duobus malis minus eligendum:' of these two evils the latter was the less, and the House had adopted it. But it would be a hard conclusion indeed, if, from this circumstance, this flexibility of the House, it should be inferred, that because it had embraced a less evil, by putting an end to the scrutiny, it followed that the scrutiny had been illegal from the beginning. This was an inference that he, for one, would never countenance; and therefore he was determined to give the most direct ngative to the motion for expunging the resolutions from the Journals.

Mr. *Welbore Ellis* said, he felt himself called on by several hints which fell from the learned gentleman, and he was happy in having an opportunity to answer such parts as he could remember; but the learned gentleman had been so exceedingly long, and entered so much into the history and acts of parliament, that the House must forgive him if he did not entirely recollect the whole. In the first place, he by no means considered the House guilty of any wilful intention to subvert the constitution, when they agreed to the Resolutions on the 8th of June last; but that they were bewildered and lost in the multiplicity of law arguments (if arguments they might be called) which were used on that day on the analogy of writs in other cases; and the particular care that was taken to confound the difference between a writ issuing for a new parliament, and a writ issuing to fill up a vacancy. In the first case, the very words of the writ mentioned that a parliament was to be called 'for the welfare of the state;' of course a returning officer was bound to make his return, that the parliament ordered to meet by the King's writ to consult for the welfare of the state, might be ready at the time specified. But, in the second instance, where a writ was issued to fill up a vacancy, it was done for no other purpose than to make that parliament, already chosen, as complete as possible: and he desired the House to recollect, that if the custom was allowed, of permitting conscientious returning officers to withhold their returns in one instance, it might, on a new parliament being called, be done in many, and the grievance then would be serious indeed. In that case it might happen on the commencement of a parliament, that when the King commanded

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the attendance of the Commons to open the session, there might be no Commons, and the parliament could not be holden. Now, one material part of the law of the land was precedent, and it was a miserable thing for the opposite side of the House, that they had not a single precedent to bear them out, wherein a returning officer at a general election, had ever dared, or was suffered to withhold his return. With respect to the observation made by the learned gentleman, of the law of Henry 6, and that possibly he might have lived at the time, he allowed that he was extremely old, but not quite old enough for that: however, the pains taken by the learned gentleman to lay down that law, made it equally probable that he had lived in that time; and in that part wherein he stated, that no written polls were then taken, he perfectly agreed with him, and that a forty-shilling freeholder then was as much known in his own county as a member of that House was within the walls; but the analogy did not perfectly hold good, for in those times the House had no power to fill up vacancies; and although he might agree with him that a scrutiny was a continuance of the original poll, yet, at the same time, that scrutiny must be begun and finished before the exigency of the writ expired. As to the remark made by the learned gentleman, that he at first foresaw how the scrutiny would end, he assured him, that he saw it in the same light, and he believed that every other person in the House did the same; but he little expected that the excuse for carrying on the destructive measure would have been said to grow out of the common law of the land. He confessed himself a strong friend to our ancient laws; and one excellence there appeared in them, that the moment we attempted to wander from them, that very instant we found ourselves greatly embarrassed. He appealed to the feelings of every person in the House who represented a populous county, city, or town, and stated to them the extreme danger they would be in at a general election, if this doctrine was allowed, if they were hostile to the minister; and he desired them to consider that the House having already put an end to the scrutiny, was a strong proof that they saw their original proceedings had been wrong. He urged them therefore to the wisdom and necessity of expunging the proceedings from the Journals, that the dangerous precedent might not be established. It might be deemed, he said, a magazine of mischief.

Mr. *Powys* said, he was happy the debate had been adjourned, as it gave time for persons' tempers to cool; and now he did not hear any personal invective against his right hon. friend, which, in a former debate, was so disgraceful to those who made it; for if invective was necessary to be urged, why was it not equally bestowed on the other candidates as well as Mr. Fox? However, now the question was free from party, and materially concerned every person in the House; it was the cause of the electors of Great Britain; and one good would result from the rescinding of the resolutions; it would leave the law as it stood a year and a half ago, and he was well content with it in its original form, without any comment; therefore if this alteration, if this comment on the text was to be considered as the first fruits of the plan of reformation, he had much rather see the original tree. The injury had been done by the House, and he trusted the vote of to-night would do justice to the electors of Great Britain, by expunging from the Journals so pernicious a vote. He mentioned the strong expression of a noble lord on a former day, who had said, if the House rescinded the Resolutions, they would sign their death-warrant as a House of Parliament. By that, he supposed, was meant a menace of another dissolution. Be it so. He took notice of the law arguments of the learned gentleman who spoke last, and those formerly urged by a learned gentleman, to whose authority he had referred the House. The last learned gentleman, he said, appeared as if he felt himself to be the keeper of the consciences of the majorities of that House. Mr. Powys mentioned the suggestion of a bill, but gave the preference to the present motion. He said, they knew not that the other branches of the legislature would consent to pass such a bill. The object was their own rights, and the rights of the electors, of both of which they were constitutionally the guardians. Let them act, therefore, for themselves firmly and wisely, and exercise the power in their hands, rather than rely on others, who might not be disposed to act for them.

Mr. *Anstruther* said, there was so much questionable argument in the mode of defence set up by the other side of the House, that he owned himself anxious to give some reasons to the House for the vote he was about to give. The point

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was, in his opinion, a point of pure law: several learned gentlemen had already stated their conceptions of the law laid down on the subject. His judgment, such as it was, he would therefore deliver, with all possible deference to those of the profession, who either had or would again differ with him on it. There appeared to him not much intricacy in the matter apart from what the subject had been connected with, from the party views which had mixed themselves with its discussion, and from the personal sarcasms which had disgraced the debate. He was bold enough to assert, in the face of all the greatest authorities which he saw in the House, that nothing unfavourable to this new doctrine of a scrutiny, carried on and extended as that of Westminster had been, could be pointed out either in the statute book or in the common law of the realm. It was in vain for him to search after acts of parliament, or precedents from the Journals of the House, in order to guard against a false construction of the former, or the latter, for in fact there were none. And were it possible for him to suppose the House capable of resisting the present motion, that which would remain in their books would descend to posterity, and record the injustice by which the resolution was established. He then stated what the law in all such cases was, and how inapplicable it had uniformly been to all the proceedings which had distinguished the scrutiny and its abettors. The custom was well known. All returns were to be made by an indenture between the sheriff and the mayor; and the writ which authenticated that return limited it to a specific time. This was the common law of the land respecting elections, and the duty of those entrusted with the execution of the King's mandate for that purpose. He desired, therefore, to be informed how such a law could apply, either for defending the legality of the scrutiny, or vindicating the resolution of the House, which stamped such a proceeding with a semblance of authority. It was not, as it pressed upon his mind, within the reach of human ingenuity to reconcile the theory of law with the practice of the House of Commons, so far as it was interested in the present business; and what chiefly confirmed him in this opinion was, not only the incompetency of the court, which had been created on purpose to assert this illegal measure, in opposition to the rights and feelings of freemen, but the incompetency of the law itself to the purpose, for which an attempt had been made to stretch or extend it. The case, in fact, involved so many strange circumstances, pointed to such an absurd and impracticable object, and was so little calculated to answer any desirable end, that our laws had made no sort of provision whatever for such an exigence as it held out. They never supposed the case possible. To give it validity or importance, new laws must be made, old precedents abolished, and the whole mode of accomplishing the business of elections not merely revised, but literally altered into quite another form. But the whole complexion of this business afforded, to his mind, an argument, which carried conviction along with it. He desired but to refer to the files of the House, on which the returns were placed, to be satisfied that the greatest irregularity had taken place, and marked every step which had been taken in consequence of the resolutions which he wished rescinded. Was there any other case, he asked, in which its parallel could be produced? He knew there was none; and it would mark the conduct of the gentlemen on the other side of the House, while it remained to be occasionally canvassed. But whence this impropriety? Why was it so singular? Why in all our parliamentary records was it the only instance? He knew no other reason but that the plain good old path was a beaten one, and therefore in all respects perfectly obvious, straight, and safe. It strongly corroborated this reasoning, that in the single case in which the practice of our ancestors had been departed from, nothing but error, irregularity, and perplexity ensued. Our forefathers set us no example of this informality; and it would ill become us to mislead our posterity by a mode of acting, for which we had no precedent either in the present or former times. He hoped gentlemen would give some attention to this reasoning. He thought it perfectly in point, and he had a right to urge it with all the earnestness in his power. He did not understand the meaning of the argument, that, because once wrong, it was a duty to continue wrong always; this put an effectual end to all reformation. He was sure, in appealing to the feelings of gentlemen, he should be understood, when he said, that no man of true honour would persist in defending any thing which he had reason to think had been adopted precipitately, or with-

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out due consideration; and where were persons of this distinction to be found or expected but in that House? He begged of them to preserve the dignity of the House, the respectability which had always attended their proceedings; the right not of any individual, but all individuals; not of the city of Westminster, but of all the cities in the kingdom; the question was general, and this night's decision would have a general effect; and if ever men were called upon to decide impartially, and according to the best of their judgments, it was now.

The *Master of the Rolls* said he was not a little averse, from the beginning, to take any part in this debate; for it hitherto happened, that he had not met with that respect which he thought his conduct, whatever his opinions were, entitled him to. The gentlemen on the other side had treated him with personalities, which he did not like, and which did them at least as little honour as him. It was not long ago since an hon. gentleman (Mr. Montagu) contested his right to a seat in that assembly: the same kind of sarcasms had been pretty frequent from others in the same way of thinking; and to-night he had been told that he was the keeper of the conscience of the majority of the House; how far he was entitled to such an appellation, the hon. gentleman best knew who bestowed it; but he would appeal to the House, whether such a line of debate became them. If that hon. gentleman had conceived any dislike or aversion to him, it would have been more manly and candid to have mentioned it fairly and privately, than to come to the senate and throw out whatever he conceived to be most disrespectful. He could assure that hon. gentleman that he should always be found at home, and that whatever way he put his objections, they should meet with such an answer as he thought it his duty to give. He would also take the liberty of telling him, that he had as good a right to speak his mind, that he was as independent a member of parliament, that he was every way as honest a man, and as sincerely desirous of doing his duty to the best of his abilities, as that or any other gentleman in the House. But why were these attacks so constantly levelled at him? If they conceived that, by that means he was to be intimidated from either declaring his attachment to the truth, or acting as he conceived his own conscience and the laws of the country directed him, they would find themselves completely deceived. Much as had been said on the law part of the question, nothing had yet reached his ears which in any degree invalidated the opinion which he had the honour of stating to the House on a former occasion. He did not think it necessary now, however, to go over that ground again. He was not at present disposed to quote cases, or cite books, as he had then been obliged to do; still less should he be under the necessity of having recourse to the technical phraseology of the science. And if ever he was obscure or abstruse on the subject, it was more on the account of others, than any difficulty which had occurred to himself on the subject. For, indeed, he had always conceived it to be a very clear and intelligible point. It was no more, in his idea, than, that a returning officer had done that which the law which prescribed the duty must be supposed to have allowed him for executing it; that is to say, he had taken the necessary time to do the business. This was the precise light in which it had always struck him. The great facts he had ever conceived to be, that the poll was protracted to such a length, as precluded the returning officer from that time before the expiration of the writ, in which he ought to have made up his mind on the subject. He urged the House not to abandon that plain line of consistency to which it was their highest honour in all cases to adhere. He warned them against the force of that eloquence, however powerful, which had so often been employed on this subject; and he doubted not, would again be employed to impress gentlemen with an idea of personal persecution, of something mighty unconstitutional in the whole of this business. He begged they would recollect that when the resolution was voted, which it was now the object to rescind, that they were fully convinced in their own minds. The question was no longer of a kind to bear hard on any individual. It was now general, and had a general aspect. Why, therefore, depart from what had already been done deliberately, coolly, and from conviction? What other purpose could be answered by rescinding this resolution, than swelling the triumph of those who had then differed from them?

Mr. *Scott* said, that he was one of those who had voted against the first proposition moved by a learned friend of his, now on

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circuit (Mr. Lee), that the high bailiff ought to have returned two members, on or before the return day of the writ, and he would not be at all ashamed to vote this night for the expunging the whole of the resolutions of the 8th of June last. When he voted against the proposition of his learned friend, it was not because he thought the scrutiny legal after the return of the writ, for he had all along been convinced of its illegality, but because the proposition had been so worded that he could not give it his approbation in that form; but his objection was merely to the form; and therefore he approved of the vote of Friday night last, which had put an end to a measure the most repugnant to reason and to law. At the same time that he condemned the scrutiny, he would be sorry that any one should suppose he meant to impute any improper motives to those who had voted for it; he was willing to give them credit for purity of intention; they were wrong only in judgment. They had a very unnecessary tenderness for the conscience of the high bailiff, which they said they would not torture, by compelling him to make a return before he should have thoroughly scrutinized his poll; but surely his oath did not bind him to any thing more than to make his return to the best of his judgment, in the time allowed to him by law, to satisfy his conscience: and to make him do this in a short time, would not be to torture him more than a common juryman's conscience was when he was obliged to find a verdict before he was permitted to eat. For his part, notwithstanding all that had been said about the tenderness of his conscience, he believed he would have been satisfied in a short time, if he knew that until he should have done so, he should not be indulged with bread, beef, porter, fire or candlelight. Indeed, the prompt obedience he had paid to the order of the House, communicated to him in consequence of the vote of last week, shewed that his conscience was not of the most delicate texture; for as it would have been tyrannical in the House to attempt to force his conscience, so it would have been unchristian and immoral in him to violate his conscience, merely to obey an unjust order. But he did not require, it seemed, much time to make up his mind when the House commanded him; why, then, should he not have paid as prompt an obedience to the mandate of the king's writ? If it was conscience that had prevented him in the latter case, it would have equally prevented him in the former; and he would have scrutinized his whole poll, before he would have obeyed either King or House of Commons, in what he thought against his conscience. He confessed he did not like that conscience in returning officers, under colour of which they might prevent the meeting of parliaments for ever; for if the King's writ was not to be literally and punctually obeyed by all, there would be at best but a rump of a parliament to meet. Returning officers might make special returns, and the papers containing them, being laid upon the table of that House, the Usher of the Black Rod would find no other members than those scraps of papers to summon to the bar of the House of Peers to attend his Majesty. The constitution had wisely vested the King with the prerogative of calling parliaments when and where he pleased: if the choice were left to the people, one part might incline to meet in one place, and another in another; one part at one time, and another at a very different one. To prevent such inconveniences, the King was made the constitutional judge of the time and place of meeting; but if returning officers might protract elections to any time they pleased, it would be in vain that the King was vested with a prerogative, which it would be in the power of every returning officer to defeat and destroy. Mr. Scott then took a view of the different statutes for regulating elections, from the reign of Henry 4 to the present reign; and by expounding one by another, he stated that they all supported this doctrine, "That the election must be finally closed before the return of the writ, which must be made on or before the day specified in it." However, notwithstanding the clearness of the law on this head, he saw, from what had lately happened, that there was a necessity for some additional law, to put it out of the power of future ministers to keep counties or towns unrepresented, under the colour of scrutinies, or candidates from harassing each other, and of returning officers from throwing obstacles in the way of the meeting of parliaments. This, however, might be a work of time; the expunging of the resolutions actually under consideration, ought to be the work of this night; and the measure should have his hearty support.

The Earl of *Surrey* wished to suggest to the Master of the Rolls, that on every subject of a parliamentary nature, when

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one gentleman disapproved of the conduct of another, the House was undoubtedly the only proper place for final conclusions. He was therefore inconsiderate in requiring that explanations on such a subject should be made out of doors. The question had hitherto been discussed legally. If the House would give him leave, he would look at it in a political point of view, and that, he said, was, in his opinion, the ground upon which it had originally been taken up by the other side of the House; for he verily believed, had there not existed a political contest there, the Westminster scrutiny would never have been countenanced. In the case of the Middlesex election, had any other man than Mr. Wilkes been the successful candidate, the House, he verily believed, would not have proceeded to the expulsions, and all the other measures they were induced to take. So in the case of Westminster, had not his right hon. friend been the party, he was pretty well convinced that House would have heard very little about the matter. He hoped, however, as in the former case, good would come out of evil. To the Middlesex election Mr. Grenville's Bill owed its origin; he hoped a bill equally salutary would be the consequence of the Westminster election. He trusted that those gentlemen who, from a conviction of the illegality or inefficacy of the scrutiny, had voted for its discontinuance, would, on this occasion, come forward, and obliterate from their Journals the memory of such a transaction.

The *Solicitor General* contended, that returning officers were not bound in every possible contingency to make a return of their precepts on the precise day required by the exigency of the writ. He said that extreme cases had been put to shew, that by corrupting all the returning officers of the kingdom, they might, by instituting such proceedings as those of the high bailiff of Westminster, keep this country without any parliament at all. But he would also put an extreme case, though equally applicable with that now stated; suppose in the conduct of elections, matters should be so contrived as to procrastinate the poll till the last day, and by supplying it with persons who had no title to vote at elections, the greater number of real voters should be unpolled at the time of the expiration of the writ, would any person say, that a set of raggamuffins, forced in upon one of the legislative branches of this kingdom, would be a species of representation, in any respect better than the total absence of any parliament? As the disadvantages were so equally balanced, the House would easily perceive that nothing was gained by putting cases so remote, and which in the reason of things could never happen. He said the writ had more than two objects; it had three. It commanded the returning officer to proceed at a given time and place to elect a burgess, and to take care that the candidate having the majority of legal votes was the party returned. He said, the single instance of a resolution having been expunged, was in the case of Dr. Nowell, who had received the thanks of the House for a sermon preached on the 30th of January, the vote of which thanks was afterwards ordered to be expunged.

Sir *James Johnstone* thought the present motion perfectly unjustifiable, when he called to mind that, on a former occasion, a relation of his had been committed to Newgate for only doubting the legality of a scrutiny. He said, if the House were to pronounce what was, and what was not law, there was an end of the legislation of parliament, of the courts of judicature, and of the liberties of Great Britain.

Mr. *Bearcroft* began by stating the representations made by the right hon. gentleman (Mr. Fox), both in and out of the House, of the severe persecution he suffered, pointing himself out in the most amiable of all lights, that of a poor and virtuous man struggling with adversity. In respect to what had been said on law; good law, in his opinion, would bear stripping, and always looked most handsome when it was plainly dressed. He said, that there could not be a precedent and a judgment in a case that had never happened. Time, which altered every thing, had altered the mode of elections; but the election itself still must be, and still was, on the same principle. He desired to resort to no stronger fountain than the writ itself. He then said, that divesting his argument as much as possible of the trappings of technical expressions, and translating the law into plain and intelligible language, he would lay before the House a clear statement of all that had been said on both sides of the question. He then proceeded to explain what an election was, and, from various premises, drew the conclusion, that a scrutiny was in every respect a part of the poll. If, then, it was part of the poll, it was in vain now to dis-

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pute its legality. He then adverted to the Act of Henry 6, and said that the right hon. gentleman had complained that he was deprived of the benefit of this statute in recovering from the returning officer the sum of 40*l.*, which by the Act was not recoverable, except sued for in three months after the return of the writ. To make him easy on the subject, he would make him a present of a statute which would recover 60,000*l.* for him. For the provision of the statute of the 9th Geo. 2, was, that on an action of trespass on the case for a false return, the officer, on conviction, was obliged to pay double costs, which, according to the right hon. gentleman's estimate that the scrutiny had cost 30,000*l.* would amount to the sum he first mentioned. But from the complexion of such a case, he believed, the right hon. gentleman would scarcely venture on such a proceeding; and as to the present motion, he conceived it to be the highest insult that could possibly be offered to the House.

Mr. *Adam* begged leave first to caution gentlemen against the impression, which in the course of the debate was so frequently recommended to them, that to agree in the motion now before them, would be an insult on their understandings and proceedings. This was far from being the case, unless they should consider themselves disgraced in correcting the errors of an inconsiderate and hasty judgment. If such a conduct implied a censure on themselves, it was already incurred by their late determination on the subject of the scrutiny. But the proceedings of the judges in the courts of law, sufficiently shewed this species of conduct never to have been considered as degrading or dishonourable; for though it was thought proper to consider their determinations over and over, till complete justice was obtained, and from the pursuit of the same object, he had every reliance that the House of Commons would not be diverted by any extravagant and unjustifiable ideas of disparity and consistency. In the first place, to shew that there was no analogy between the cases on the subject of writs issued from the courts of law, and the writ now in question, he would only mention, that in the former case, many of the writs were not returnable again to the court, as the execution of the writ in these cases was the completion of the law. Of this kind were writs of 'fieri facias, capias ad satisfaciendum, &c.' From this it was evident, that much time had been thrown away in arguing by analogy between writs issuing from the courts of law, of which, in some cases, no return need be made, and those writs, on the return of which every object depended. When there were in any state co-ordinate and equal powers, it must always be held as a maxim, that to fulfil any good purpose, it was necessary they should not clash or counteract each other. But in the proceedings of the House on the subject of the scrutiny, they assumed a legislative power, in extending the duration of a precept which did not originate with them. By the law and constitution of this country, the power and discretion of calling a parliament was vested in the executive government. The writs were issued from his Majesty's high court of Chancery, and he wished to know what authority this House had to interfere with the prerogative in one of its most important rights; and how it could admit the same power of interference and absolute counteraction to all the bailiffs and returning officers throughout the kingdom. Till these jarring principles were removed, he held it impossible that the constitution should be restored to its natural tone. The case was exceedingly different on a vacancy, where the writ was issued on a motion in this House which might be opposed or acceded to. But in a general election, when the intent of the legislature was, that every place should be duly represented, and the number of the House complete, the case was entirely altered, for by admitting in that case any obstacle to intervene, every good purpose would be utterly defeated. He therefore had no doubt but the House would agree to rescind the resolution of the 8th of June from their Journals.

Mr. *Rolle* opposed the motion, and reminded the House that Mr. Fox had brought in a Bill for the government of India, which would, if carried, have made him and his party superior to the crown itself; therefore this, as well as that, was an insult on the House, and derogatory to its dignity.

Viscount *Galway* rose in great warmth; he reprobated the Westminster election, and insisted that Mr. Fox was not the legal member, for he was chosen by a mob; he had, he said, by means of a mob, prevented the legal constituents from polling, and suffered that mob to obtrude themselves on the poll. His lordship spoke in such heat, that it was difficult to

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understand him; the House were out of all patience, and at last his lordship sat down, amidst the disorder of the moment. —Mr. Fox rose three times to begin his speech, and was as often interrupted by lord Galway, who complained of the treatment he received from the House in not being permitted to finish what he had to say. He was checked by the chair, who told him that he was disorderly.

Mr. *Fox* at length got possession of the House, and began with observing, that he was particularly pleased when he saw the noble lord rise; for as the city of York had that day sent up instructions to their members to vote for rescinding those Resolutions, he was in hopes his lordship rose to obey the instructions of his constituents. He felt great satisfaction in finding the electors of the city of York had not changed their principles with their representative; they had felt like Englishmen upon the proceedings of the Westminster scrutiny, and had instructed their representatives to vote against it. One of them, he said, from a natural love of equity, and a due sense of the illegality of that House taking upon itself to direct that the scrutiny should be proceeded in, after the return of the writ, had uniformly voted with him on every question respecting it. He said he was glad to see that the alarm of establishing so fatal a precedent had extended itself throughout the kingdom; and though the city of York had been the first to take notice of it, and to instruct their members to oppose the continuance of the scrutiny, he had no doubt but a similar disapprobation of it prevailed in other places, because he was sure that all but those who were led away by motives of personal pique and party prejudice could be but of one opinion upon it. That it was illegal, that it was unconstitutional, that it was destructive of the rights of election, and injurious to that House, were facts so broad, so plain, so immoveable, that all the art, all the ingenuity, all the legal quibbles, and all the misrepresentations of the statute and the common law, that had peculiarly marked and distinguished the debate of that day, had not been able to disguise or to conceal. The hon. and learned gentleman who spoke first on the other side of the House had, in a most extraordinary and unprecedented manner, endeavoured to supply his lack of argument with the weight of authority. He had begged the House to believe that the proceedings upon their Journals were legal. Why? Because the right hon. and learned gentleman, and because others in high departments of the law, had thought proper to say they were so. This mode of appealing to a man's own authority, in confirmation of the assertions he was using for want of arguments, was, Mr. Fox said, equally new and unprecedented; but it was surely a pitiful resort for any man to fly to for shelter. When the business of the Middlesex election was moved to be rescinded, and erased from their Journals, he, and those who with him had voted in support of it, had not acted in so paltry a manner. That business had been honoured with the support of the present lord Thurlow, the late lord Walsingham, and all the lawyers of those days, who, at least, were as good authorities as the right hon. and learned gentleman, and those who sat on the same bench with him; but they never dreamt when a proposition for expunging the proceedings on the Middlesex election from their Journal was in agitation, of bidding the House consider what high authorities had pronounced in their approbation; had they done so, they would have thought they acted in a mean and pitiful way. Mr. Fox took notice of the dark insinuations the right hon. and learned gentleman had chosen to throw out, and complained of the extreme unfairness of his charging him with having protracted the poll, and declaring that he had still his own opinion upon the subject. In this assertion he would not take the hon. and learned gentleman's word. The hon. and learned gentleman well knew that he had no more protracted the poll than sir Cecil Wray had protracted the poll, excepting only the three last days, when, unquestionably, he had not yielded to the application that was made to him, of concluding the poll for the direct purpose of instituting a scrutiny. He knew also that there was no ground whatever for his insinuations that there could still exist a doubt as to the real quarter from whence delay came. He knew that as fewer of his objections had failed than of the objections of the other party, he had not added to the delay of the scrutiny. If, after all that had passed upon the subject, the right hon. and learned gentleman had still opinions of his own, what sort of principles would he carry to the bench with him, when he should be made a judge; and what security could there be had in his administration of justice, who presumed to suggest and insinuate opinions contrary to

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all they had heard at their bar, and contrary to the *evidentia rei*?

Having expressed this with some warmth, Mr. Fox mentioned the advertisement in the newspapers relative to the bad votes stated to have been discovered in the parishes of St. Margaret and St. John, and argued upon that publication as a publication carrying upon the face of it sufficient evidence of the fallacious pretences that had been urged for carrying on the scrutiny. He also mentioned that there were but nine days more for a petition to be presented to carry the election to be tried by a tribunal competent to investigate it, and give an honest and just judgment; a tribunal, the members of which were themselves bound to decide upon their oaths, and upon evidence delivered upon oath. He said, the consideration of the expense alone excepted, he heartily wished for a petition, were it only that such dark and injurious insinuations as the hon. and learned gentleman had suggested, might be for ever wiped away, and their truth or falsehood demonstrated beyond all contradiction. With regard to what had been said in the course of the debate, as to the law puzzling the plain sense of the argument, and leaving him an ample field to enter upon, he declared the reverse appeared to him to be the case; his learned friends had argued the whole of the law and of the constitution and common sense of the question so fully, that they had scarcely left him any thing to say. One learned gentleman in particular (Mr. Scott) had entered into the whole of the case with a soundness of argument, and a depth and a closeness of reasoning, that perhaps had scarcely been equalled in the discussion of any topic within those walls, that turned at all on the statute and common law, on the analogy of writs, and the sort of legal references that had been made in the course of the debate: so well and so ably indeed had that learned gentleman argued it, that nothing like an answer had been offered to any one of his appeals to his brethren of the long robe, or any one of his doctrines. In truth, he was convinced, it was out of the power of ingenuity itself to overthrow the positions laid down by that learned gentleman, to whom he would offer no apology for any allusion he might have made to him on a former day, since having drawn forth so masterly and instructive a speech, he considered himself as peculiarly happy in having been able to say any thing that had the good fortune to be productive of such consequences. The only attempt that had been made to reply to the learned gentleman had been by his Majesty's Solicitor-general, who, as the learned gentleman had stated clearly and unanswerably that the writ carried on the face of it its object and its end, had said, that the writ had a third, as well as the former two orders to the sheriff. It not only directed him to choose a person at such a place to serve in parliament by such a time, but to take care that the person returned had the majority of legal votes at the election. Mr. Fox ridiculed this argument, and contended that it was equally weak and absurd.

He answered some parts of the Master of the Rolls and of Mr. Bearcroft's arguments; and he took notice of what had been said by Mr. Bastard early in the debate, who had expressed his wishes, that an act were the means resorted to, rather than a motion to rescind. Mr. Fox said, the reason why he did not take that method was, his extreme difficulty what sort of bill to frame for the purpose, and the risk that must necessarily be run as to the getting such a bill through the three estates. If a declaratory bill were brought in, it would be liable to every objection to which the present motion was liable; and if he were to bring in an enacting bill, perhaps it would be said by the first law authorities in the other House, (lord Thurlow for instance) "Why do you send your useless bills here? To what end cram your statute books with acts of parliament, pronouncing that to be law, which every body knows is law already." This, he thought, as it had been said on one occasion already, might be said again; and he was sure, it could not be said on any occasion more truly, than if he were to bring in an enacting bill of the nature in question, and that House were to pass it, and send it to the Lords. Mr. Fox paid lord Thurlow great compliments on his abilities, and said, there was also in the other House a professional peer, venerable for his years, venerable for his learning, his talents, and his integrity; he meant his Majesty's chief justice of the court of King's-bench, whose opinions, he believed, were the same as his own upon the subject, though he did not speak from any secret communication. He rested his belief that they were so, from the noble and learned lord, who was many years since a practical lawyer, having at that time uniformly acted upon the same ideas. Mr. Fox concluded with an earnest

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recommendation to the House, to do away the errors they had committed, and reprobated the idea of its being derogatory of their honour to confess their mistake.

Mr. *Pitt* declared, that he had given the minutest attention to every thing that had fallen on either side of the House, and particularly to the right hon. gentleman, not with any hopes of finding a new light thrown either on the legality or expediency of the question, but because he had been desirous to discover how far the ingenuity of gentlemen would go in giving an apparent diversity to arguments which had already been so repeatedly handled in every shape that invention and subtlety could possibly give them; in aid to all the authorities which had already been adduced, the right hon. gentleman had resorted to new authorities of his own creation, those of the lord chancellor and the chief justice of the King's-bench. Gentlemen, no doubt, must have at first imagined that the right hon. gentleman had come to the House armed with the express opinions of those great luminaries of the law, by the confidence with which he had used the sanction of their names to enforce his argument; but after availing himself for about a quarter of an hour of the credit which he assumed on the supposition of their opinions, he had at last thrown off his borrowed ornaments, and confessed, that in the supposed opinions of those great men he had been only gratifying his imagination in contemplating in them, as in a mirror, his own conceptions. He wondered, that with regard to the latter of those noble and learned personages, who had been so long ago as the right hon. gentleman had mentioned, a practical lawyer, it had not been observed, that he was a practical lawyer just about the period of the scrutiny on the contest for Westminster between Trentham and Vandeput, and at that very time in a high department under government. He wished the right hon. gentleman had not forgot to refer to another authority—an authority, which, while true dignity of character, unbounded information, abilities of unparalleled magnitude, and an integrity on which no party had ever attempted to fix a stain, should continue to be respected, would ever be an object of the love, the gratitude, and the admiration of England: the authority to which he alluded, was that of a noble lord, who had formerly been chief justice of the court of common pleas, and afterwards chancellor of England, and who, he was happy and proud to say, was now at the head of his Majesty's councils. He presumed it would not be contended as probable, that that noble lord was of the same opinion of the right hon. gentleman, or, no doubt, he would also have availed himself of the strength which the supposed accession of his opinion would have given his motion. Another authority had been offered, and it was an authority to which he paid as great a degree of respect as the right hon. gentleman possibly could—the resolutions of the city of York. This authority was not, like the others, merely imaginary; and he rejoiced it was not so, as it was decidedly in his (Mr. Pitt's) favour; for so far from desiring the House to correct the abuse complained of, in the manner in which they were by this motion pressed to do; the object of those resolutions was nothing more than an exact type of what had already been declared by so many of his friends, to be the proper and necessary remedy, and which it was, and had been ever since the abuse had arisen, his resolution to apply. With respect to the animadversions which had been levelled against his learned friend the Attorney-general, they were such as he was sure could make no impression on himself, or the House. The learned gentleman (setting aside the consideration to which he was intitled from abilities, that he would venture to say were not surpassed in his profession) might well expect that some degree of credit was due to the high office he filled, especially on a question of this nature, where it was not in issue, merely whether the conduct complained of was on a close and deep investigation contrary to the abstruse and more difficult point of law; but whether it was so manifest and so gross a violation of plain, avowed, and important principles, as must have proceeded from intentional corruption, or unpardonable error, which could alone justify the measure now demanded; a measure of so delicate a nature, that it certainly ought never to be resorted to on light and frivolous grounds; a measure that called upon the House in express terms to avow their own repeated resolutions formed on the most mature deliberation, and the most patient debate and discussion, to be the offspring either of wilful dishonesty, or of the most disgraceful ignorance. For his own part, however he might have altered his sentiments, in respect to the expediency of

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the resolutions which the House was now called upon to rescind, he had by no means departed from his firm persuasion of the legality of those resolutions. The House had been warned against adopting legal analogies as the ground on which they were to decide the present question; positive precedents were insisted on as the only documents that could support the legality of the scrutiny. He argued, that the doctrines of the gentlemen on the other side of the House, went to establish the necessity of a returning officer's sacrificing the substance to the exigency of the writ. It would ill become him, the avowed advocate for a pure representation of the people, and it would tend very little towards procuring for him the confidence of the public towards his professions on that subject, were he by any means whatever to contribute to the increase of the many defects which were at present so justly complained of in the constitution of parliament; and surely there could be no greater abuse than that of compelling a returning officer to make a return of members who were not elected by a majority of legal votes; yet this must be the case in many popular elections, if the returning officer, on a fair suggestion and rational belief of improper practices on the poll, had not the power of examining by a more regular and accurate mode than the nature of such an election, according to the usual method of conducting them, was capable of affording.

The right hon. gentleman had disputed the calculation of the master of the rolls, of the time allowed to the sheriffs of London to make their return, by the statute of 13 Geo. 2, in order to overturn the argument of analogy, which had been drawn by that gentleman, who, though he had given the assistance of his opinion, he was sorry to inform the House, would not be able, from a domestic misfortune, to give his vote upon the question. That calculation, however, of his learned friend he would venture to adhere to, as he knew it to be strictly accurate. By that statute, the time allowed to the sheriffs was fifty-two days; now, the only question, with regard to the time for summoning a parliament, was, whether it was forty or fifty days; this, the right hon. gentleman had well imagined, was at the time of the dissolution of the late parliament a subject of consideration with ministers, and from that consideration which he had given, he was ready to affirm, that it might lawfully be summoned in forty days. With regard to the argument drawn from the clause in the Act of Union, that fifty days were positively prescribed, as the shortest time, that clause did not apply; the object of that clause was merely local, temporary, and partial, for it related only to the kingdom of Scotland, to the members for Scotland, and to the first parliament that should meet for the united kingdoms; it enacted, that it might be lawful for her Majesty, at any time, to call the then parliament of England, and also to issue writs for the election of the Scotch members, to meet in that parliament, but that there should be fifty days allowed between the issuing of the writs and the assembling of the parliament: the usual term was thus prolonged, in order to afford leisure for the confusion, consequent on the new arrangement then taking place, to subside. Still, however, he would concede to the right hon. gentleman, the difference between forty and fifty days, and take it at fifty; in this concession he lost nothing, for all he wanted was a principle, which he would find in either case, namely, that by absolute and positive statute, the very thing is allowed which the gentlemen on the other side complain against as contrary to all law, common sense, justice, or precedent,—the continuation of an election or scrutiny, after the meeting of parliament, and consequently after the return of the writ. For if the parliament might meet in fifty days, and the election for London be deferred for fifty-two, then it was evident, that the principle was sufficiently established, as in a case of this nature two days were as strong as two hundred. He should be happy to hear any of the learned gentlemen on the other side attempt an answer to this.

But if he should not be allowed the benefit of a legal analogy with this Act for the city of London, by the candour of those gentlemen, he would at least satisfy them with a precedent. The case of Trentham and Vandeput was that precedent. To prove this precedent fully adequate to the case, he would lay down an alternative—'either a scrutiny is or it is not a part of an election.' If it be a part of an election, then the election cannot be said to be finished while the scrutiny continues, and not being finished, no members can be chosen, because the event and termination of an election must be the choice of members;

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in this part of the alternative the right hon. gentleman had nothing to complain of, because the scrutiny not being determined, the election of course was not finished, and the election not being finished, he certainly could not have been chosen by an imperfect and unfinished election. The other part of the alternative put the right hon. gentleman into a worse situation, because it overturned the whole of his objections to the analogy between the late scrutiny for Westminster and the former one; for if he contended that a scrutiny was not a part of an election, then did the House of Commons do, in that instance, exactly what they have done now; for they sent the candidates back to a scrutiny, after the day on which the writ was returnable; a day which, though not ascertained in the writ by name, had been sufficiently identified by description, namely, the 14th day after the conclusion of the election. Now, this day being thus ascertained from the conclusion of the election, brought the two cases in spirit exactly to the same point, stripping them of that distinction which it was so much the object of the gentlemen opposite him to establish; namely, the day being expressly named in the one, and only described in the other. The right hon. gentleman had shewn so great a soreness on this subject of scrutinies, that, perhaps, it might embarrass him to be asked 'how it came, that he himself, within three or four weeks of the time appointed for the return of the writ, threatened to demand a scrutiny?' This question, as he never wished to lead any man into an embarrassment, out of which he did not wish to extricate him, he would endeavour to answer in some degree, and having already presented the gentleman in the last head of his argument with two, he would here give him three divisions of that question. The right hon. gentleman, then, had one or the other of the three following objects in view: first, he either thought that the subject of the scrutiny was of so simple a nature, that he hoped to see it decided in his favour in so short a time as the remainder of that appointed for the return of the writ; and certainly if to the right hon. gentleman, who knew so much of the business, it appeared to promise so speedy an issue, the House were not much to blame in hoping that an end might be put to it in a period not much longer. If this was not his reason, perhaps it was, that he then believed a scrutiny might legally be carried on after the strict exigency of the writ demanded a return; in that also the House could not be to blame; for, finally, if neither of these were his reasons and his intentions, they must have been this:—that he was conscious that he had no right, and therefore proposed a scrutiny, in order that that scrutiny not being completed against the return of the writ, the high bailiff must have made such a return, as on the grounds of the scrutiny not being completed, would necessarily pave the way to a fresh election; of these three motives, he observed, that two only were in any degree excusable; and in case of either of those two excusable motives, the House stood qualified on the principles of the right hon. gentleman himself.

With respect to those authorities, which, he said, of all others should be most earnestly sought after by the House, namely, statutes, he should say a little, because gentlemen opposite had seemed to rely so much on them, in matters to which, in his opinion, they had no relation. Here he went into the argument which the Attorney-general had introduced on the necessary difference which must have arisen in the conducting of elections, from the changes which had taken place in the nominal value of property, and from other circumstances which had crept in with it. From hence he argued, that the Acts of Henry the 6th and 8th did not attach to the present question, inasmuch as, so far from an instance similar to the present being then in the contemplation of the legislature, the very seeds from whence this instance sprung, had hardly been sown; for scrutinies, or the necessity of them as they were now understood, were then not only unnecessary and absurd, but absolutely unknown and inconceivable. The right hon. gentleman had another ground of uneasiness, on the subject of the irregularity of the form, by which he had been seated in that House, as member for Westminster, because the precept was not originally annexed to the sheriff's writ, on its return to the Crown-office. What, then, had the member for Westminster so soon forgot the concerns of the member for Kirkwall? Did he forget, that in the precept which returned that member, there was the very same irregularity that was here complained of? But in that instance the right hon. gentleman had to blame himself and his friends alone; nor did he see any other person liable to censure on the present occasion.

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He should be glad to know what was the object of the right hon. gentleman in this motion, other than to entrap the House into a measure that would fix an indelible stain upon them, the very proposing of which was an insult, if not to the honour and integrity, at least to their understanding? Why, it must be to obliterate all recollection of the transaction, so that it should not afford a single document, to tell to the world that it ever existed. If this was his object, he must go farther than the present motion would lead him; he must erase from their Journals the petition of the electors of Westminster, unless he thought, perhaps, that the reproaches, with which it was qualified in some measure, might compensate for its poisonous tell-tale qualities; he must remove from the table that heap of unfounded and unsupported assertions, which he triumphantly alluded to, as a body of solid, substantial, and irrefragable proof; he must storm the Crown-office, for those parchments, which he knew not how properly to describe, but as a heap of corruption and inconsistency, but which heap of corruption he himself sent there.

There was one argument used by a learned gentleman who spoke early in the debate, why that resolution should be erased from the Journals, for which he begged to return him his sincere thanks, because it applied with all the force it had, to the contrary side of the question. The learned gentleman said, it ought to be erased, because the House passed it in their judicial capacity. He congratulated the gentlemen of the bar on this new principle, which was thus to be introduced into the jurisprudence of the country. What! erase a judicial resolution! A man must have a very vague idea of the law indeed, if he imagined that such a proceeding could agree with any of its principles. No. Every decree, judgment, order, or decision of any court of justice must always remain on the records of the court, right or wrong; there it must remain on its own merits, to be followed and imitated, if it were right; to be avoided, if wrong; but always to shew what the idea of the court was at the time it was made. Great emphasis had been laid by each side of the House on two cases; one was, that by the precedent of that scrutiny, the returning officers of this kingdom had a power, on the slightest suggestion, or without any suggestion at all, to withhold their returns, or to make ineffectual returns, similar to that of the high bailiff, and thus prevent the meeting of parliament at all. On the contrary, it had been put from this side of the House, that if they overturned the right of the officer, to whom the writ or precept was directed, to satisfy himself by a more cool investigation than could possibly be had during the poll, that then that House, by a parity of argument, might be filled with such raggamuffins as should, by assembling men like themselves at the place of poll, obtain a fraudulent majority. He should not attempt a comparison between the two misfortunes; but he would only say, that of two such extreme cases, the last was as likely to happen as the first. The right hon. gentleman had threatened the House, that if it refused to comply with his motion, it would only be postponing their disgrace, for he would never rest satisfied, until by perseverance he should have at last accomplished that desirable object. That period of triumph, he was happy to find, the right hon. gentleman did not think at present to be near at hand, for he had left himself an interval of one, or two, or perhaps more years, for his successive efforts. Nor should he be surprised, if the endeavours of the right hon. gentleman should at length be crowned with success, for, together with his knowledge of his great ability, and the pertinacious industry with which that ability was sure to be supported, on every occasion that called forth his interests, his passions, or his party attachments, he was besides prepared to expect, that there might possibly be a House of Commons under the influence of the right hon. gentleman, which would act on different principles, and with different views to those, which formed the motives and the objects of the present House of Commons; and he should be happy to find, that in such a contingency, he might have nothing more dangerous to complain of, than a vote of disapprobation of him and his friends; such a House of Commons had already been seen, and, perhaps, might be seen again; and he would in that case be willing to compound on the part of his country, that he alone, or even the very respectable body of his friends, which at this day formed a majority in his favour, might be the victims of the pride and ambition of the right hon. gentleman. But that the present House should ever suffer themselves to be imposed on so far, as to sign their own condemnation, on the unfounded suggestions

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which had given rise to that day's debate, was an event that he never could fear. For if the plainest legal analogies, the most obvious precedents in point, the strongest convictions of reason and of right, together with the pride of consistency, and the jealousy of incorruptible, but insulted integrity, were not of themselves sufficient to preclude every possibility of a compliance with the present motion, still there was another motive more binding on their feelings and on their justice, (though in itself not of equal importance) which there could be no doubt would operate to confirm the House in an adherence to its former principles; this was the situation into which the high bailiff of Westminster would be betrayed by such a conduct. This man, on the credit and faith of the House, had been forced to proceed on the scrutiny; for that proceeding he was now threatened with a penal action; and would the House, by rescinding the resolutions which had formed the basis of the high bailiff's determination to prosecute that line of conduct which had subjected him to those threats, seem, by abandoning the principles on which the whole proceeding had been founded, to prejudge a question which was to be the object of a judicial inquiry?

Here he took occasion to exult in the complexion of the present House of Commons, which, notwithstanding the disadvantages that attended its constitution from the imperfect mode of its election, retained so much of the characteristic dignity of the British nation, as it had evinced in every stage of its existence. He attributed this, in a great measure, to the right hon. gentleman and his colleagues in office, who, by pressing forward a crisis, the most momentous and important any part of our history presented, had roused every exertion of public spirit that remained among the people, and had concentered the whole weight of those exertions in the assembly before whom he had the honour to stand. The present House of Commons, with a manliness and liberality that became the representatives of a manly and a liberal people, had proceeded hitherto in the face of all those prejudices which had so long bound down and restrained the faculties of the nation, to the reform of all abuses that militated against the great end of their free constitution. He was still in hopes, farther, to see every local prepossession which now stood between the empire and its true interests vanish; and he derived a flattering presage, from the character of the House, that the great question which was nearest to his heart, that on which the prospect of a final triumph over every obstacle to greatness and to glory depended; that alone which could entitle Englishmen to the appellation of free; and that alone which could ensure to wise, to virtuous, and to constitutional endeavours, a victory over factious ambition or corrupt venality, the great and stupendous question of a parliamentary reform, taken up with a degree of determined and upright boldness, that must soon be crowned with success. In that case, he could not help flattering himself, that at the remote period to which the right hon. gentleman looked forward, for the completion of his meditated triumph, he would, perhaps, find a parliament, that, like the present, should speak the sense of the people; of a people who had, in a most decided manner, already passed judgment between him and the right hon. gentleman; and he warned gentlemen, particularly those whom the right hon. gentleman had so repeatedly marked with the most insolent contempt and invective, those new members, with whom the House was crowded on the opening of the session, "men whose faces nobody was acquainted with," how they trusted to those professions of regard and affection, those meretricious blandishments, which one successful day's good humour had drawn from the right hon. gentleman, to lure them into a dereliction of principle, a violation of law, and an undeserved self-condemnation!

Mr. *Fox* said, the right hon. gentleman had charged him with having treated that House with invective and contempt. He was not conscious of having ever treated the House with either. When speaking of the immediate subject of the day, the identical Westminster scrutiny, he had sometimes been betrayed into more warmth than he might perhaps have wished to have shewn; but when a matter so immediately involving the rights of that House and the rights of election, was under consideration, it was not possible for him always to have kept that guard upon his expressions, that perhaps he should have done; but sure he was, he never had treated the House with contempt. When the right hon. gentleman, therefore, thought proper to make any assertions of that sort, he wished he would be so fair, as to spe-

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cify a few instances of the occasions to which he referred. Not knowing what those seasons were, but perfectly aware, how far it was from his mind, at any time, or on any occasion, to treat the House with contempt, he could only directly deny the charge, and declare the assertions of the right hon. gentleman to be false in fact, wholly unwarranted, and solely calculated, as he imagined, for the purpose of rounding his periods to captivate the House.

Mr. *Pitt* declared his conviction to be fully satisfied that no person would believe him capable of throwing out any charge or assertion whatsoever, for the purpose of rounding his periods. He desired the House to recollect, whether the expressions he had made use of in his speech, of the House being crowded by "new members, men whose faces nobody was acquainted with," had not fallen from the right hon. gentleman; whether he had not repeatedly endeavoured to depreciate the respectability of the House by his assertions, that it had been chosen under a delusion, and that it seemed to act under a similar delusion; and whether he had not repeatedly thrown out the most pointed invectives against that East India phalanx which had absorbed and swallowed up all the faculties of the executive government.

Mr. *Fox* said, he really was at a loss to know what the right hon. gentleman meant by his having said, that the House was filled with faces which had never been seen there before. Some of his friends who sat near him had thought that the right hon. gentleman alluded to something that had fallen from him in the course of his speech of that day, but that he considered as so totally impossible, that he could not himself believe it. All that he could say was, that he did not remember the matter to which the right hon. gentleman had alluded. With regard to his having said, that the House had been called together under a delusion, if the right hon. gentleman called that an invective, he owned he had said so, because he thought so. He thought so still, and he would persevere in so saying. In like manner with regard to his having insinuated that the number of East India gentlemen introduced into that House, evidently had too much weight in the executive government, was a circumstance that was but too palpable; but exclusive of these two opinions, which he neither had nor would attempt to conceal, he was at a loss to imagine upon what part of his conduct the right hon. gentleman could ground a charge against him of his having ever treated that House with contempt, or, in any degree, in an improper manner. Perhaps the right hon. gentleman, in his own mind, had so connected and interwoven himself personally with that House of Commons, that whenever he, or any other gentleman, found occasion to question any part of the conduct of the executive government, the right hon. gentleman considered what was said of him as a minister, as an abuse of the House. In that case, he was ready to admit he had afforded abundant grounds for the right hon. gentleman to charge him with having attacked the House.

Mr. *Pitt* rose again, and appeared desirous of entering into a more minute detail of the instances of disrespect shewn by Mr. Fox to the House, but the cry of Order, stopped him, a member declaring, he called the right hon. gentleman to order for alluding to what had passed in former debates.

The Speaker stated the rule of the House, that no member had a right to state the words of another member spoken in a former debate. If those words were of so offensive a nature as to make the speaker of them liable to the severest censure in the power of the House to inflict, yet unless they were taken down at the time, by the clerk at the table, it was, he said, extremely disorderly for any member to repeat them in a debate that took place on a subsequent day. He confined himself solely to explaining what the order of the House was, and hoped the right hon. gentleman would avoid saying any thing that might either tend to violate the order that he had stated, or that might provoke heat and ill humour.

Mr. *Pitt* assured the Speaker, that he was not going to violate the established order; but that he thought it highly unbecoming the right hon. gentleman to throw out such expressions as the House had just heard; expressions tending to fix the stigma of falsehood and dishonour on any member of that House, at a time when his general denial could not, by the order of the House, be called into question. That for his own part, being precluded from coming to the proof of the truth of his assertions, he had only to rest satisfied, that the memory of many gentlemen in the House, and his own reputation, would do him justice. "I cannot," he

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concluded, "enter farther into the reality of what I have advanced, but I maintain it."

Mr. *Fox* said, he heartily wished the right hon. gentleman could have been allowed to go on, whether disorderly or not, because he was convinced he could have said nothing liable to any construction similar to that which the right hon. gentleman had mentioned, which he could not explain in such a manner as to give full satisfaction to the House. With regard to what the right hon. gentleman had just said, of his having chosen to deny generally that he had not treated that House with invective and contempt, at a moment when the order of the House would not permit the particulars to be stated, Mr. Fox said, he presumed it was just as proper for him to deny those assertions then, as it had been proper for the right hon. gentleman to make them at a time when he perfectly well knew, he could not go into a specific statement of them.

Mr. *Sheridan* said, that the Chancellor of the Exchequer had, in the course of his speech, glanced more than once at him, and insinuated that he was answerable for the questionable shape of the return, and the nature of the paper of the high bailiff, which had been ordered to be annexed to the writ for Middlesex.

The *Speaker* said, that as the affair of the return had been adjusted in a very thin House, and that was a very full one, he would take that opportunity of stating the particulars of the transaction. He then stated that in consequence of the last order of the House, relative to the scrutiny, the high bailiff and the deputy clerk of the crown had been at a loss, in what manner the return should be made out and received. That he had ordered the deputy clerk of the crown to attend the next day, to receive the instructions of the House. That the deputy clerk of the crown had, in consequence, attended on the Friday, when he had thought it his duty to state to the House, the case of the writ for Elgin, and the House had ordered the return for Westminster to be annexed to the writ for Middlesex.

Mr. *Sheridan* thanked the Speaker for having given the House the information he had stated, and desired, that it might be remembered that his idea had been to antedate the return, and to make it bear the same date as the writ, because it was extremely absurd to annex a return to the writ, bearing date later than the writ was in existence. There was, he said, a wide difference between the affair of Elgin and the present case. The precept for Elgin was dated within the return of the writ for Elginshire, but, by some accidental blunder, had not been returned to the sheriff, to be by him delivered into the Crown-office with his writ. The return for Westminster was, they all knew, dated many months after the 20th of May, 1784, the day on which the writ was returnable. Mr. Sheridan read to the House the resolutions of the same day, in order to shew them that the resolution implied, that the scrutiny was illegal, a ground which his friends had not once abandoned in the course of the business. The right hon. gentleman appeared to know but little about the act of parliament, to which he had referred as a statute, regulating the elections for London, and declaring a scrutiny there to be lawful. The Act in question was not originally brought in as a Bill for regulating the election of members of parliament to serve for the city of London, but for the election of mayors, sheriffs, and other city magistrates and officers. At the time, there had been great disturbances in London, upon the subject of choosing sheriffs, and matters had been carried with so high a hand, that the city was in danger of being without sheriffs; a circumstance that would have been attended with infinite inconvenience. On the spur of the occasion a Bill had been brought in to regulate the election of sheriffs and other city officers. While that Bill was in the House, it was suggested by a member, that the city also held elections for members of parliament, and that it might be as well to introduce some clauses that might refer to them. Hence the present Act, that the right hon. gentleman had argued upon, as if its sole and principal object had been to regulate the city elections of members of parliament. Mr. Sheridan read two extracts from the Act, to shew that it only recognized the scrutiny on the election for sheriffs, as a lawful scrutiny, which he said it might well do, as the city had a right under its charter to make bye-laws, and a scrutiny on an election for sheriffs was sanctioned by those bye-laws; but the Act in those clauses, which referred to the election by wardmotes, dropped the word 'lawful,' and only talked generally of a scrutiny, without recognizing its legality, Mr. Sheridan added some other arguments, all tending to convince the

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House, that what the right hon. gentleman had said, as to the necessity that they should extend their protection to the high bailiff who had been drawn in (as the right hon. gentleman had phrased it) by the House to go on with the scrutiny, were thrown away. Those arguments, he said, should have been urged before, because the House had withdrawn its protection from the high bailiff the moment they came to the former resolution, in which they set the high bailiff at liberty to make a return, without waiting for the orders of the House. Mr. Sheridan contended, that for the sake of consistency, all those gentlemen who had voted for the resolution of Tuesday, must vote for the motion of rescinding now.

Mr. *Macnamara* said, that the sole question for gentlemen to decide upon was this: was the resolution of the 8th of June last a legal proceeding, or an illegal one? If it were perfectly legal, no man in his senses, he believed, would wish it to rescinded; if an illegal proceeding, in that case he conceived the most effectual mode of doing it away, would be by a Bill. Viewing the matter in that light, he should vote against the motion for rescinding, but would consent to the bringing in of a Bill the first opportunity.

Mr. *Vansittart* said, he had voted that the high bailiff should proceed with the scrutiny; he had also voted this session, that he should be at liberty to make a return as soon as he had satisfied his conscience; but upon hearing of the offer that had been made by Mr. Fox's counsel, to go into the parish of St. Margaret's and St. John's, and that it had been rejected, he was of opinion that it was irreconcileable with justice that it should be continued any longer, and therefore he had voted against it last Thursday; but he did not at all see that he should act inconsistently, if he now voted against the motion for rescinding the resolutions. He thought the resolutions just and equitable, and therefore he should not vote for their being erased from the Journals.

Mr. *Martin* said, it gave him great satisfaction to think that he had all along opposed the scrutiny. He was convinced, under all the circumstances of the case, it was an illegal proceeding, and therefore he should vote that day for rescinding the resolutions. He lamented that he should vote that day differently from many gentlemen, of whose integrity and abilities he entertained the highest opinion; but he was convinced his constituents sent him to that House to vote according to the best of his judgment, and not as this or that set of men desired him to do. Were he to conceive his constituents wished him to vote implicitly or blindly with any party, he would apply to the minister for a place, which he believed even his very moderate abilities would be found equal to, viz. the stewardship of the Chiltern Hundreds.

At length the House divided:

Tellers.

Yeas	Lord Maitland Sir James Erskine	137
Noes	Mr. Eliot Mr. Robert Smith	242

So it passed in the negative.

Mr. *Fox*, as soon as the House was resumed, urged the necessity of bringing in a Bill to prevent the repetition of any such business as the Westminster scrutiny. That was now, he said, the only means of preventing the bad precedent of the 8th of June last being acted upon.

Mr. *Pitt* assured him, it was his intention early after the holidays to bring in a Bill for the purpose; but, he said, he feared it would be a Bill that the right hon. gentleman would oppose, as he certainly should not be for a declaratory, but an enacting Bill.

Debates in the Commons on Mr. Francis's Motion for Papers relating to the Conduct of Mr. Hastings in India.] Feb. 16. Mr. *Francis* rose to move for papers which he conceived to be necessary to the information of the House. In the estimates of the expense of the East-India establishment there appeared a degree of prodigality superior to any thing that could enter into the minds even of those who made allowance for the extravagant ideas of that country. He would draw the attention of the House to some very remarkable instances. He began with saying that the civil establishment of Bengal, in 1774, stood at no more than 136,002*l.* That in consequence of the institution of the governor-general and council, and supreme court of judicature, it was increased to 251,533*l.*; at which amount it stood in 1776. That since 1776, when colonel Monson died, and when the whole power of the government devolved on Mr. Hastings, (in whose hands it had continued ever since) the total had increased (according to the

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statement delivered in by the court of directors) to the enormous sum of 927,945*l.* Among the particulars of this astonishing increase he stated the following facts: that there was a salt-office instituted by Mr. Hastings, consisting of six persons, who divided annually among them no less than 72,807*l.*: that the chief of this board received 18,480*l.* per annum as such; besides which, he was chief of the district of Nuddea; but, in that capacity, his profits were stated by the directors to be unknown. The other five salt agents stood as follow, viz. 1st member, 13,100*l.* per annum; 2d, 11,480*l.*; 3d, 13,183*l.*; 4th, 6,257*l.*; 5th, 10,307*l.* That there was a board of customs at Calcutta, where the customs collected were, comparatively, very inconsiderable, and whose salaries or annual profits amounted to 23,070*l.* among three persons. That there was a new committee of revenue, the duty of which used to be done by the governor-general and council themselves, whose annual profits were stated at 47,350*l.* among five persons, viz. 1st member, 10,950*l.*; 2d, 9,100*l.*; 3d, 9,100*l.*; 4th, 9,100*l.*; 5th, 9,100*l.* That the president of this board had been for some years, and was still, ambassador at the court of Scindia, a great Mahratta chief on the other side of India, for which he was allowed 4,280*l.* a year, which raised his emoluments to 15,230*l.* a year. That there was an agent victualler to the garrison of Fort William, whose profits, on an average of three years, were stated at 15,970*l.* per annum. That this agency was held by the postmaster-general, who, in that capacity, received 2,200*l.* a year from the Company, who was actually no higher than a writer in the service. That there was a committee of grain, whose salaries amounted to 14,100*l.* a year. That the paymasters of the different brigades and detachments of the army received salaries to the amount of 43,670*l.* Exclusive of which, there was a paymaster and accountant at Lucknow, whose fixed salary was 7,640*l.* That there was an allowance of 4,280*l.* to a supposed resident at Goa, where there never was a resident, and who was stated to be not a covenanted servant of the Company. That the Company were charged with 10,428*l.* a year for chaplains, though there was not a church in Bengal. That the governor-general had eight aids-de-camp on his own establishment. That, besides these and an endless multitude of other officers, whose stated profits were exorbitant, there were five capital agencies or contracts, whose profits were stated by the directors to be unknown, viz. 1. Agent for making gunpowder. 2. Ditto for supplying military stores. 3. Ditto for providing elephants. 4. Ditto for boats. 5. Ditto for furnishing the army with draught and carriage bullocks. That the profits of this last contract, though not ascertained or avowed, had been commonly computed at 50,000*l.* a year.

He intended to submit a motion to the House on the facts, and said, it was his intention to have confined himself to the civil establishment; but finding, by the papers on the table, that the expense of the army estimates of Bengal, which in April 1784 amounted to three millions and a half, now, by this estimate, reduced to one million, he could not help saying the diminution of so large a sum, in so small a time, appeared to him extremely doubtful: he wished to avoid the harshness of saying he did not believe it. If the Company were in possession of documents that enabled them to ascertain this, there was no hardship in their producing them; he should therefore conclude with moving, "That the directors of the East-India Company do prepare and lay before this House, statements of the salaries and emoluments belonging to the offices and appointments under the general department, the revenue department, and commercial department in Bengal, in the years 1782 or 1783, compared with their amount in 1776, (distinguishing the increase, and the years when such increase took place); and, also, an abstract, shewing the increase of the establishments of the civil department in Bengal, as they stood at the end of the year 1783, beyond the amount of the estimate in 1776, according to such compilations as can be formed from accounts of actual payments from the records and other authentic documents." Mr. Francis also read his second motion, which was for "an estimate of the probable resources and disbursements of the Bengal government, from the 30th April, 1784, to the 1st May, 1785."

Mr. *Dundas* objected to the words marked in parentheses, as they would give infinite trouble, and rather retard than accelerate the full and accurate statement of all the facts the House wished to have before them, with regard to the civil, commercial, and revenue establishments in India,

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which had been for some time in preparation, at the instance and under the authority of the board of control.

Mr. *Pitt* said, that there were papers which would ascertain the estimates under each year; but none which specified the days and the circumstances in the progressional increase. If the hon. gentleman wished for the papers which were in possession of the Company, he had no objection to their being produced; but to retard the inquiries which were now making on a more enlarged scale, by particular and tedious inquiries, was what he conceived many objections to. Whenever he had occasion to mention the state of our East India settlements, he was always as ready to regard the increase of their establishments as an object of very considerable retrenchment as any other member could be, and in every view of the regulation necessary to be adopted there, he never lost sight of their enormous and dangerous establishments, which at the same time drained the coffers of the Company, and added weight to the influence of those who were concerned in their appointment. Fully sensible of the decaying and dangerous situation of the Company's affairs, he and those with whom he had the honour to act, looked, as the means of retrieving it, to the retrenchment of their establishment; and he hoped, by the measures he should pursue, and which would come under the inspection of this House, that the retrenchment was as practicable as it was necessary. These sentiments he had always expressed; he always inculcated the necessity of retrenchment, whether he considered those establishments relative to the Company's prosperity or with reference to the politics of this country. He considered retrenchment as the means of redress of the Company's private affairs, and of overturning that unbounded patronage and power which was attempted to be raised on it, to the ruin of our affairs, and the destruction of the constitution. In the prosecution of this design, to retrench those expenses, he was happy in the concurrence of every gentleman; but he had one invincible objection, and he was ready to avow it, that he could not consent to have the honour or the conduct of this measure taken out of the hands of his Majesty's ministers, to whom it properly belonged: he did not consider that it was in a way of being better executed by other gentlemen running a race with them. He could not agree to lose the honour of producing a measure that was likely to be of benefit to the public, though he should be convinced the hon. gentleman and his friends were more capable of the task, because he and his colleagues having but one mind on the subject, would act in concert, and he had no doubt, would be able to atone, by assiduity and perseverance, for the want of that quick perception which some gentlemen thought requisite. A system was forming for correcting the abuses and enormities so loudly and justly complained of, founded upon the principles of the Bill which passed last session. The honourable House having approved on that occasion of the conduct of him and those who acted with him, he hoped they would not withdraw their confidence, nor condemn a measure before they saw it, but continue their good opinion of him until they found reason to change it.

Mr. *Francis* did not wish to press the producing a voluminous parcel of papers, or to give any unnecessary trouble; so that the increase of the Bengal establishment since 1776, was laid before the House, he should be satisfied. He therefore agreed to amend the motion by leaving out the words agreed to.

Mr. *Fox* perfectly acquiesced with Mr. Pitt as to the necessity there was to have the confidence of that House: he had always been of that opinion, yet he had never carried his ideas so far as to suppose the House were to have such implicit confidence in the minister as not to judge for themselves. They had, indeed, within a short space, given up much; but he trusted there was still spirit enough left to maintain their right to inspect into matters of great national concern, and not to be considered as mere spectators of proceedings in which the welfare of the state was connected. He granted that the right hon. gentleman had always admitted retrenchments were highly necessary in India; but in doing that, he had done nothing more than every member had done: every person agreed to it, because it was so plain a fact, that no one could deny it: the evil was generally admitted, though the enormity was not so generally known. Few could possibly think it so great, but those who were actually acquainted with it; and none were better acquainted than his hon. friend who had made the motion. It was from his knowledge of the subject that he had wished to bring plain facts before

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the House, that they might not be deceived by fallacious statements and unfounded assertions. The right hon. gentleman had alluded to the Bill which he had introduced, and which he believed might at present be unpopular in that House; it might be unpopular with the public; it was for this reason he wished an investigation into the whole affairs of the East India Company; that every proceeding of the court of directors might be examined into, and that every measure adopted by the new board of commissioners might be laid before the public, because he was convinced the more the real state of the Company's affairs became known, the less unpopular would be his Bill. He had heard that it was from modesty the board of commissioners withheld the advantage they had been of since their establishment; but this, he would not hesitate to say, was a false modesty, and he hoped, would not continue; other reports indeed, said, they had been of no use; but such reports, he trusted, were not to be credited; this board had been instituted by the Bill which was brought in to answer the intended purposes of the one he had just alluded to: a new court of judicature, a court perfectly new in this country, was likewise established by it, and upon this Bill the new regulations which were to be brought forward, were to be founded; and this information seemed to be thought sufficient for gentlemen to rest satisfied, and not attempt to inquire farther. Were the House to submit to that, they must indeed have that implicit confidence which the right hon. gentleman seemed to lay claim to; this was a confidence, however, which he trusted would never be enjoyed by him or any other person; for how were they to know whether the regulations were right or wrong, whether they were likely to be of advantage or not, if they did not inquire into the subject? It was certainly the duty of every member to gain as much information as possible, that he might be enabled to do justice to his constituents. This information they would receive by the papers which his hon. friend had moved for, and being in possession of such information when the propositions were laid before them for their approbation, they would be able to judge whether they merited their sanction or not.

Major *Scott* declared to God, that nothing which he had at any time heard in that House had astonished him so much as the speech of the hon. mover. The hon. mover had stated, that the allowance and emoluments to the gentlemen, who had the direction of the revenue arising from salt, were extravagant and enormous; yet those very allowances were fixed by the unanimous assent of the supreme council, when the hon. gentleman was one of its members, and when the House knew that for every rupee gained by the members of this salt-office, the Company realised nine, where formerly they did not realise a shilling. He was sure the House would approve of the principle which actuated Mr. Hastings and the hon. gentleman in fixing their emoluments so high. In 1776, and down to 1780, as well as for many years before (two excepted), the Company had realized no revenue from salt. In September, 1780, the supreme council unanimously agreed to adopt a plan proposed by Mr. Hastings, for taking the manufacture of salt into the Company's hands, and allowing the gentlemen employed 10 per cent. upon all they netted for the Company. The reasons for granting so large a per-centage were contained in a minute, and a letter to the directors, signed by the hon. gentleman himself, and the following was an exact copy of it: "That as the advantage to be derived from this plan to the Company will depend on the quantity of salt manufactured, and the economy observed in the management of the business, it will be advisable to afford the comptroller and agents some particular inducements to give their utmost attention to both these objects; that for this purpose they be allowed to draw, besides their fixed salaries, a commission of 10 per cent." &c. What, Sir, added major Scott, has been the consequence? After paying all these salaries and the 10 per cent. the Company have a net revenue of 540,000*l.* a year, where before they had no revenue at all, but sustained an annual loss. Another observation of the hon. gentleman was equally wonderful: he had expressed astonishment that the advantages to army pay-masters were so great; but the House will be surprised when I inform them, that I was officially sent by Mr. Hastings to the hon. gentleman in May or June, 1780, to communicate Mr. Hastings's plan, which was, that no army pay-masters should in future retain any balances in their hands, but that in lieu of them they should have a per-centage on their disbursements; this per-centage was increased by the war, and are now reduced by the peace. How the hon. gentleman,

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if he has any recollection, can object to this, is to me most astonishing. There is another observation, which if it had been made by a gentleman not versed in the affairs of India, I should have passed by unnoticed; but the hon. gentleman knows, because he has accurately examined the account on your table, that no less a sum than 127,603*l.* which are entered under the head of 'civil establishments,' are truly and strictly military; that in no estimate of receipts and disbursements, in no account kept in India or in England, were they, until the present moment, included under the head of 'civil establishments;' and the hon. gentleman, I hope, will excuse me, if I say, he misleads the House, when he mixes them with civil charges.—The hon. gentleman expresses pleasure to see the military charges reduced so low as they are; but he doubts the fact, and thinks they are much higher, because the last estimate of receipts and disbursements, that is, from April, 1783, to May, 1784, states them at above three millions, and now they are reduced to little more than one. On this head I hope I shall satisfy the hon. gentleman and the House. We all know the difference between war and peace, and what the extraordinaries of an army are. When the estimate was dated, it was war; peace was soon after established, and the following reductions took place in 1783: three entire regiments of cavalry were disbanded; six regiments of foot were disbanded; every regiment in Bengal reduced from 1,000 to 780 rank and file each. The contingencies, which the hon. gentleman knows are so high in time of war, had ceased with the war. The Bombay detachment was returned and reduced, which was a saving alone of 400,000*l.* a year. If the hon. gentleman will compute all these savings, and transfer 127,000*l.* from the civil head to the military, he will find the aggregate perfectly exact; but for the hon. gentleman to state that the civil establishment is 900,000*l.* a year, when he knows that of that sum 127,000*l.* ought to be transferred to the military head, that 76,000*l.* is for the salt-office, by which a revenue of 540,000*l.* a year has been created, where a shilling was not collected before, and that the remainder of the sum includes civil, commercial, and courts of justice; I say, Sir, to state it as the hon. gentleman (who knows better) has done, is to deceive and mislead this House.

Mr. *Francis* answered, that the plan of paying the salt agents by a per. centage on their sales or collections, was proposed to him in September 1780, two months before he left Bengal, when he interfered but little in measures that were to operate long after his departure; that the principle might be a good one, and that this was all he had consented to; that the application of it might be, and actually was, abusive in the highest degree; that no previous calculation of the probable profits of the salt agencies had been made, nor could the actual amount of those profits be known, until at least a year after he had left Bengal; but that when they were known, they ought to have been retrenched, whereas they had been suffered to continue at their present exorbitant amount for three years together, and were still going on at the same rate.

Mr. *Burke* said, that whenever the consideration of India affairs came before the House, he could but lament that his hon. friend (Mr. Francis), who was so perfect a master of their actual situation abroad, should be unengaged from their service. He gave a variety of reasons why he thought the papers moved for ought to be produced: it was not, he said, that his hon. friend might have an opportunity of running a race with the other side of the House (because he was sure, when he wished to run, it would be with those who had some kind of speed), that he was for their being laid on the table; but that those gentlemen, who had not hitherto examined into the actual facts, might not any longer be deceived. He said the right hon. gentleman on the other side had often appeared to him as surrounded by the stars of the East, but he trusted he should soon see the sun of the constitution arise, when their splendour would be no more. He was not surprised that another right hon. gentleman should be against the production of papers, because he had been a fellow labourer with him in producing reports which had been called libels, and every other epithet that rancour could invent; it might, therefore, be judicious in him to prevent the appearance of any more. On a former period, he had regretted the non-attendance of the chairman of the India Company, or his deputy, on days when matters concerning them were agitated in that House; he found he had the same cause for regret that day; for, however great might be his opinion of an hon. member, he could not say he

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was satisfied, that the only intelligence the House were able to procure respecting India should be from a major of the army. He might be contented with his opinion on military questions, but surely some better authority might be had concerning their civil establishment.

The motion was then put and carried.

Feb. 24. Mr. *Francis* entered into a discussion of the very different accounts of the charges of the civil establishment in Bengal, given by the court of directors, in the statement of their establishments in India, then upon the table, and which had been presented in conformity to the Act of the past year, and in the Report of the 23rd of January, 1784. In that Report, the court of directors affirmed and made it part of their basis of the estimate of the funds applicable to the purchase of investments abroad for the ensuing six years: first, that the annual civil charges of Bengal would not exceed 350,000*l.* whereas the statement on the table put the real expense at 927,945*l.*; and they had also stated that the charge of the civil establishment at Madras would not exceed 60,000*l.* whereas the present statement put it at 104,140*l.* He did not mind such a trifle as 100,000*l.*; but the excess he had stated was enough to alarm any man, and plainly proved how necessary it was that the House should, as soon as possible, have the papers that were ordered last week before them, that they might be able to trace the source of such an extraordinary difference between the two accounts. Another matter that appeared to him rather unaccountable, was, that the charge of the military establishment of Bengal, which had amounted the preceding year to more than 3,000,000*l.* was, in ten months, diminished to the sum of 1,100,000*l.* In order to have that matter explained, he wished for a sight of the papers he had called for, or, had there been any of the leading directors of the Company present, he would have put a question to them upon it.—Mr. Francis said he had a motion to offer for a paper, and as he meant to proceed upon the paper, and to render it the object of future discussion, he wished for the attention of the House for a few moments. In matters of reform, it was not enough to do away facts that had been thought improper, but the principle should not be suffered to remain; principles were the sources of facts, and as long as the principle was suffered to continue, new facts and new circumstances would grow out of it. His intention, therefore, was, to attack a principle that had given birth to conduct of an improper nature, and, if suffered to remain, would be the origin of more improper conduct. He alluded, he said, to a position laid down by Mr. Hastings in a letter he had sent to the court of directors, in which, after enumerating a variety of claims for expenses he had been at on their account, he stated, that he had paid himself out of monies privately taken by him, and that such a mode of privately taking money was that best adapted to the situation and prosperity of the Company's affairs in India. After making some remarks on this principle, which he contended to be a most pernicious one, he moved, "That there be laid before this House a copy of a letter from Warren Hastings, esq. governor-general of Fort William, to the court of directors of the East-India Company, dated from the river Ganges, 24th of February, 1784."

Major *Scott* rose to second the motion, and to rescue the report given by the directors on the 24th of January, 1784, from the reflections then cast upon it. He would avow that that report was strictly fair and just, and that nothing in the accounts upon their table tended in the smallest degree to invalidate it; that report stated that the expenses of the civil department were 350,000*l.* a year, and the hon. gentleman had now said that they appeared by the account on the table to be 900,000*l.* He was astonished that the hon. gentleman could thus mislead the House; but he was very glad to find that the hon. gentleman had conceded so far to him as to give up 127,000*l.*; and he trusted that before they had done with these accounts, he should bring him to farther concessions. The 350,000*l.* in the directors account of January, 1784, took in those charges only which were actually civil charges; but the account on their table took in not only the civil charges, but the revenue, the salt, the commercial, and, as he had said before, 127,000*l.* which were military. If the hon. gentleman would deduct these, he would find that the account of the directors in 1784, was so accurate, that it could make no difference in the present argument. As to the military, he was really astonished that the hon. gentleman, who was so long a member of the supreme council, and who must be

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conversant with military affairs, could be ignorant of the difference between war and peace establishments. He desired the hon. gentleman to tell the House what grounds he had for supposing that the peace establishment now was higher than when he was in Bengal, except as to the pay of European officers, who must necessarily continue. Major Scott declared he made an ample allowance for them also, when he said that the directors were warranted in stating all their military expenses within 1,100,000*l.* The hon. gentleman wondered why the paper he moved for several days ago was not yet produced; he did not wonder at all that it had not yet appeared. The hon. gentleman said, that he was sure such an account was made out at the India-house: this he denied; but perhaps he alluded to the accounts brought forward to the directors, which, though possibly very proper for that court to consider, were too full of nonsense and absurdity for any man to venture to put upon the table of that House. In fact, those accounts ought never to have gone beyond the directors; but he had seen and analyzed them, and so, he doubted not, had the hon. gentleman; and he would venture to assert, that no man who valued his character would ever bring them upon their table under the head of expenses in the 'civil department;' for the heads which the chairman produced were, civil, military, revenue, salt, and commercial. He would illustrate this by a single remark, which the hon. gentleman would perfectly comprehend. Under the head of governor-general was, first, his salary, 25,000*l.* a year; next, the rent of a house, 1,800*l.* a year, since 1778, to which the hon. gentleman consented, because he knew that, Mr. Hastings's government-house being invariably turned to a durbar, he had not a spare room in which he could turn himself round. This was strictly a civil charge. Then followed aids-de-camp, secretary, and interpreter, a regiment of infantry, and the only troop of cavalry in our service. He would ask the hon. gentleman, if in any account in India or in England, these last heads were made part of civil charges? He was sure the absurdity and folly of such an account must strike the hon. gentleman. When the military accounts were taken up, if Mr. Hastings had too many aids-de-camp, if neither the cavalry nor infantry were wanted, strike them off; but to include them under a civil head of charge was something worse than folly. As to the whole accounts, he longed for an inquiry into the particulars, and was anxious it should be commenced; and with respect to Mr. Hastings's letter, and the accounts of expenses incurred by him, which were *bonâ fide* public expenses, when that came forward, he should appeal to the honour and the conscience of the hon. gentleman to say, whether he did not, *bonâ fide*, believe Mr. Hastings had expended in the public service every rupee he had now charged the Company.

Mr. *Francis* said, it was very extraordinary, that whenever he thought it his duty to move for papers relative to India, or to say a word that bore reference to the concerns of the Company, he was to be answered by the hon. gentleman, just as if there was a personal contest between them, and that it was to be carried on in that House. He knew very well, and the world knew, that the hon. gentleman represented Mr. Hastings, and acted as his agent in a manner extremely able and zealous; but he had not before heard that the hon. gentleman was likewise agent to the court of directors. The chief part of his speech, and that part to which the hon. gentleman had directed his reply, was a series of animadversions on the court of directors, in whose defence he had not an idea that the hon. gentleman held himself bound to stand up an advocate, or that he considered himself as their representative. But it was plain, what he had said was a wound that went to the hon. gentleman's heart; it had been felt by the hon. gentleman, and his feelings would not suffer him to sit still, even when a mere order for papers was under consideration. With regard to the arrangement of parts of the military, under the head of the civil establishment, and the other causes stated to account for the charge of 927,945*l.* for the civil establishment, being a fallacious, absurd, and nonsensical mode of statement; be it so. At whose door did the fallacy, the absurdity, and the nonsense lie? Not at his, but at the door of the court of directors, who had made up the statement, then upon the table, in that manner. In one part of his speech, the hon. gentleman had appealed to his personal honour, and asked, whether he was not of opinion that Mr. Hastings had paid out of his own purse the several expenses which he stated in his letter? In answer to this appeal, which was a singular one, he believed Mr. Hastings might have so defrayed them;

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but what had that to do with the motion, or his reasoning in support of it? It was the principle, and not the facts, that had grown out of it, that he wished to attack; and it was in order to come at the principle, that he had moved to have the letter laid upon the table.

Major *Scott* said, he was no agent for the directors, but he spoke as a proprietor, desirous not to see the Company's stock depressed as it formerly had been, by misrepresentation; and he avowed that the accounts brought forward by the chairman, of the expenses of 1776, compared with 1783, were probably very proper for a court of directors to consider and to analyze; but they were so absurd, if considered as actual accounts, that he believed no man would dare to put them on the table of the House; and they would naturally be enumerated article by article, before they were given in that House as authentic.

Mr. *Samuel Smith* confirmed what major Scott said, and remarked that the hon. mover, by his own account, had infinitely the advantage of the court of directors, as they laid their accounts before the House, to which they were pledged; but that the hon. gentleman merely threw out insinuations without asserting any thing positively. Mr. Smith warned the House to beware of such insinuations; for if they were well founded, the House might be sure the hon. gentleman would venture to assert, and not insinuate, which was generally the case; and that it was by such insinuations that the credit of the Company was attempted to be wounded; which might have some effect when coming from a gentleman who lately held a high situation in the Company's service.

Mr. *Fox* rose to remark, that all the invective with which the hon. gentleman had loaded his speech, applied solely to himself and the rest of the court of directors, because if the stating the charge of the civil establishment of Bengal was false, fallacious, and absurd, the whole of the absurdity, the fallacy, and the falsehood, lay with the court of directors, who had so stated the charge in the paper then on their table. Mr. Fox put this very pointedly, and said, he rose merely to shew how unjust it was to charge his hon. friend with wishing to mislead, when he was at the very moment calling for papers to explain a difference in two accounts, each of which had been presented by the court of directors themselves, and consequently it was the court of directors against whom alone such a charge was relevant.

Mr. *Burke* reiterated Mr. Fox's remark, but carried it still farther. He said, at last they had got a director of the Company to talk to them, and the very first time they were able to obtain this mark of favour, the director tells the House openly and unreservedly, that the account which he and his brother directors had presented to the House was false, fallacious, and absurd. If this were true, the hon. gentleman was a criminal, but he would not suffer him so to criminate himself, nor would he upon his own confession deem him guilty to the extent that he said he was. Mr. Burke proceeded to question the authority under which major Scott acted in that House. He said, the hon. gentleman had formerly been known to the House as the agent of Mr. Hastings, and had been stated to have his authority for acting in that capacity. He wished, therefore, to know, whether Mr. Hastings still continued him as his agent, and furnished him with proper instructions from time to time how to act. If he did, that House knew that he spoke a language of authority, and would be able to distinguish what degree of confidence and credit was due to what he said; but, if Mr. Hastings had withdrawn his agency, and no longer continued to invest the hon. gentleman with his authority, and to furnish him with instructions from India, then the hon. gentleman spoke merely as an individual, and a private member of parliament. Mr. Burke here moved, "That the Appendix to Mr. Dundas's Report, or the Report of the Secret Committee, p. 372, might be read;" it was read accordingly, and contained a letter from Mr. Hastings to the board of directors, informing them, that he had given major Scott full authority to act as his agent, and should from time to time furnish him with instructions upon all the events of India. Mr. Burke said, he really thought Mr. Hastings acted wisely in putting himself *in curiâ*, and appearing in that House by his attorney, if the fact were so; but what he wished to know was, whether it was so or not, and therefore he should move, that the authority and instructions under which major Scott acted in that House, as the agent of Mr. Hastings, be laid upon the table. He added a variety of pointed remarks on major Scott's situation, and on the two accounts the directors had presented to the House, reminding the House that

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they had the authority of a director, sitting in his place on the India bench, that the statement last given in, and which was laid before them in compliance with the positive direction of an act of parliament, was false, fallacious, and absurd. He concluded his speech with putting his question relative to the parliamentary character of major Scott in the form of a motion.

Major *Scott* said, he knew not by what right or authority the right hon. gentleman questioned him in the character of Mr. Hastings's agent. He gloried in his connexion with Mr. Hastings; but in that House he sat as an Englishman, as a man who had served sixteen years in India, and who, from his family, had just as good a right to sit in the House as any member present. As well, the major said, might he talk of the right hon. gentleman sitting in the House as agent of the rajah of Tanjore. He had waited on the late chairman, Mr. Sulivan, in behalf of the rajah, and his near relation was actually in that character at the present moment. Having said this, the major avowed, that his connexion with Mr. Hastings was not altered, and that there was no event in his life in which he so much gloried, as in the unbounded confidence Mr. Hastings had been pleased to repose in him; but in that House he sat as an Englishman, and he looked upon it, he was just as competent, in point of family and fortune, to have the honour of a seat in the House as the right hon. gentleman, or any honourable gentleman on either side of the House.

Mr. *Burke* said, the hon. gentleman was perfectly welcome to question him. He wished that every part of his character, every circumstance of his life, and every situation he stood in, should be known and made as public as the noon-day sun; he did therefore assure the hon. gentleman, upon his honour, that he was not agent to the rajah of Tanjore, nor had any connexion with him whatever. He entered into a discussion of the nature of an agency, and declared his surprise that any man should be ashamed to act in that character. The hon. gentleman opposite to him had been known to be the agent of Mr. Hastings, and a more active, zealous, and able agent, he would venture to say, no man ever had. He had acted in the character with spirit and with honour; but it was no disgrace to him to stand in that light in that House, and to be known to the House as such. He had not the same honour; but he supposed the hon. gentleman's asking him, whether he was the rajah's agent, arose from the hon. gentleman's idea, that no man could take a zealous and active part in the interests of another, without being paid for it. This was an idea natural enough to any gentleman who had been in India; but the fact was otherwise. He had acted with all the zeal of an agent for many, but never had received money from any one of those, in whose affairs he had taken the most conspicuous and assiduous part. Not that it was any disgrace to a gentleman to confess himself an agent, and to stand as an agent within those walls. He had formerly stood in that character, when he was agent to the province of New York; as such he had negociated the concerns of the province with the King's ministers, in that House and in the other; and had but the language of the province, through him, been heard and attended to, perhaps he might still have been the agent of the province, and the province been a part of the British empire. He said, he had stood up the agent of the nabob of Oude, of the rajah of Benares, and of all the various potentates and princes of India, whom he thought injured and oppressed, because he wished with all his heart and soul to restore happiness to every individual native of India. "Homo sum," said Mr. Burke, "et humani nil a me alienum puto." For that reason, and for that alone, because he felt as a man, because the cause of human nature was the common cause of all who breathed, he had been assiduous, and forward upon Indian affairs so often; but he never received money for his agency, nor did he desire it. He should think himself richly rewarded if he obtained his end, and was the happy instrument of relieving the oppressed, and rejoicing the miserable. It was, however, not a little singular, he said, that he should be attacked on the ground of the wealth he was supposed to possess, in consequence of the money he was suspected of having received from India, and at the same time reproached for his poverty. The hon. gentleman boasted of his fortune. God knew how little he had to boast of, nor if he had possessed an ample one, should he have thought his riches his honours.

After some further conversation, the House divided on Mr. Francis's motion: Yeas, 16; Noes, 41.

Debate on Mr. Fox's Motion for Papers relative to the Directions for charging the

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Nabob of Arcot's Private Debts to Europeans, on the Revenues of the Carnatic.] Feb. 28. Mr. *Fox* said, the House was well acquainted with the motion which he was now about to propose. The public were also apprised in some measure of its intent and consequences. Whether the papers he meant to call for would be granted or not, he would not determine; but it was pretty obvious how the denial would be relished by the people in general. It seemed to be a maxim with his Majesty's ministers to grant no species of information which the House had any right or reason for urging. An hon. friend of his had moved for a letter, in which it was roundly asserted, or rather avowed, that a conduct had been lately preferred by the Company's servants abroad, which was in direct defiance of all the acts of parliament which had been enacted on the subject. Here was not only a gross violation of the order of the legislature, but an unequivocal avowal of that violation. When, therefore, a paper of such an extraordinary tendency was thus formally demanded, his Majesty's servants would not grant it for this simple reason, that the substance of that letter was still under the consideration of the board of control. Whatever weight this might have with the House in that instance, it could have none in the present. For the object of his motion was specifically different, as it regarded papers, which recorded not any thing under contemplation, but that which was finished and complete. He augured ill of the board of control, from the moment they appeared thus peculiarly shy of their communications; and every ill omen which had presented itself to his mind, their conduct had literally justified. Why this aversion to submit their actions to the inspection of their countrymen? Why thus treat the House, who had treated them with so much distinction, as to place the whole of this trust unconditionally in them? Did such a proceeding tend to conciliate attachment, or promote confidence? Or, was it not natural to all honest men, from the aspect which marked the whole of their conduct, that something was wrong, or at least doubtful? That no intelligence of any kind whatever, relating to the state of a country so remote, and so momentous to the British empire, had transpired in the speech from the throne, had a very suspicious appearance, and marked strongly the tenor of conduct adopted by the board of control, and the servants of the crown. How such a mode of secreting from the nation an object thus important, would suit the humour of the House, he would not pretend to say; but he saw it would produce infinite trouble to individuals, as well as much general speculation. Within these few years the public attention had naturally been much turned to the affairs of India, which were so involved with those of Great Britain, that whoever felt an interest in the former, could not regard the latter with indifference; in consequence, therefore, of this general curiosity and interest, three different plans had been proposed for better regulating the affairs of India. These plans he specified as having Mr. Dundas, Mr. Pitt, and himself, for their respective authors. The one proposed by the Chancellor of the Exchequer had alone received the sanction of the legislature. But he mentioned this only, to remark this circumstance to the House, that materially as all of them differed in most of the topics, and chiefly in the principle to which they were directed, yet on the subject of the Nabob of Arcot's debts, they so far coincided as to express almost the same language, the same ideas. The Bill brought in by the Chancellor of the Exchequer provided, that whatever debts were due to the servants of the Company by any of the Indian princes, should be investigated, and made an object of special inquiry, prior to any step whatever being taken to effect payment. The whole provision to this purpose was highly deserving the attention of the House.

He then said, that the motion he was now about to urge, went to a direct crimination of the new board of commissioners, as acting in flat opposition to the late act of parliament, which, in this instance, at least, whatever otherwise he might think of the Bill, was wise and unexceptionable. It was calculated to put a check where it was most wanted, and where it would certainly operate to most advantage. He did not think it necessary to state for the information of those who knew the history of India, what however would surprise those who did not. Nothing was more common, than for many persons who left this country, when neither in a condition to borrow great sums nor lend them, on their arrival in India, to become all at once creditors to the first princes in that country, and that to a very considerable amount. This well-known fact would naturally lead to many conjec-

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tures. Thus much, at least, was obvious and indisputable; that such pecuniary obligations could not take place, but on the supposition, that some services were thus hired, which it was not the fashion or convenient to own.

He next went into a statement of the Nabob of Arcot's debt, with a view, by illustrating the several articles of which it consisted, separately to shew which of these were most intitled to immediate payment. This, he contended, was in perfect conformity to the spirit of the late Act, which instituted that inquiry should precede payment. And whatever should be the fate of the present motion, or the complaisance of the minister to the requisition, and the necessity of the House with respect to the information required, he was happy, as he trusted every member who wished well to the public would be, that a copy of the identical papers which he called for was before the public, and that Mr. Debrett had done that for the public, which the board of control, as well as his Majesty's ministers, had refused, though urged with great propriety, and from motives of necessity, to do either for the Company or parliament. To this publication he referred, as containing an accurate and systematic view of the subject. It was an inquiry, he said, to which every well-principled mind would unavoidably press to discover the origin, occasion, and the justice of those debts which were due to individuals from the nabob of Arcot. The board of directors, as they had often done, had ordered a strict inquisition to be made; and from the facts which should be brought forward, in consequence of that inquisition, some plan of arrangement might take place. But this new board of control had overruled the resolution of the directors; and in flat defiance of what the directors had thus formally enacted, had resolved forthwith to admit that the claims, which were at best suspicious, or unknown, should supersede those which were known and valid. This was the great question to which he begged the attention of the House, as also to the various papers which he should read on the subject. It was a circumstance which could hardly escape the attention of the House, that many of these debts bore date from the time when the presidency of Madras entered the Carnatic by an army, and attacked the kingdom of Tanjore, as it was well known, at the express instance of the nabob of Arcot. He desired this fact might be seriously considered; he desired that it might be coupled with a variety of things which had since taken place, and especially with the order of the new board of commissioners, which his motion was intended to bring under the cognizance of the public and of the House.

It had always appeared to him, and he had always stated it as one of the greatest preventives to the authority of the direction operating with dignity and effect, that the servants had, by peculation and intrigue, acquired a sovereignty over their masters. Here, then, was the same dreadful and prevailing evil still predominating: and this additional board, instead of strengthening the old government, enfeebled it, by relapsing into the only radical flaw in the original constitution; for he was aware no man would stand up in his place, and give such an account of these debts as would correspond with principles of justice between man and man. Yet such were the debts which the new board among its first acts, and to the detriment of debts actually due, had put in a train of payment. So that unless the House of Commons or the legislature interfered, and set aside the order, it would inevitably become final.

In urging this question, therefore, he was not hastily attacking either individuals, the nabob of Arcot, or the commissioners, but pleading the cause of the public. The arrangement of the debts due to individuals he selected chiefly under those of the old debts, the new debts, and the debts of the Company. With the first of these he agreed in substance, and should not make any animadversions on that part of the matter. He was more peculiarly interested in those which were denominated the new consolidated debt, and the pretensions on which the payment of them was demanded. He concurred with all who had given any deliberation to the subject, in thinking something doubtful or unaccountable in the accruing of them. He mentioned the directors and the board of commissioners particularly, as holding the same language; it struck him forcibly that, after stating their reasons for hesitating on the matter with great plausibility, and laying down a variety of premises, which led to quite an opposite conclusion, they came all at once to the absurd, or at least most unexpected one, which he trusted this House would reprobate. They allowed that those debts were not

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recommended by the same forcible reasons which operated in the other case. They owned themselves much at a loss concerning their authenticity. They stated strong dislike, as if truth extorted it from them, whenever these debts were mentioned; but what would the House expect should be the result of all this? That they consequently inclined to defer the settlement of debts thus hypothetical only, till such as were not could be fully and satisfactorily discharged. This, one might imagine, would have been the conclusion of their statement. But it was quite the reverse. They ordered indiscriminate payment of all. The motives for such a decision were singular and various. One was, that the nabob's debts be no longer kept afloat. But how this discharge would prevent that consequence, he was at a loss to conceive. However, he owned himself struck by what follows: "When we consider how much the final conclusion of this business will tend to promote tranquillity, credit, and circulation of property in the Carnatic." All this he perfectly understood. It was precisely in the spirit of the general character which had distinguished the conduct of the Company's servants in the Asiatic settlements. This order would naturally prove to them satisfactory, and consequently promote tranquillity. It would have a similar effect, he presumed, on circulation in the Carnatic, as it would take out of the nabob's pocket, and put into that of the Company's servants. They added, "When we consider that the debtor concurs with the creditor in establishing the justice of these debts consolidated in the year 1777, into gross sums, for which bonds were given, liable to be transferred, different from the original creditors." On this it was concluded, that no good can result from an unlimited investigation. This was dispatching the wisdom of the legislature in a very summary way, as it was saying in effect—We know the act of parliament says so and so; but this also we know, that the provision is useless and unnecessary. At the same time they order that complaints which they limit, be admitted, these are directed to originate only with the nabob himself, or such of his other creditors as by this arrangement may deem themselves injured. These were substantial reasons in abundance, which would always render the nabob's complaints sufficiently accommodating, not to create any alarm or uneasiness whatever; but the creditor which was most injured, and which had actually preferred her complaint, was the East India Company. Her case was well known to the public, and especially to every individual who had made her affairs any object of his attention; and he virtually barred the claim of these debts, even supposing it valid.

This was the purport of the motion, to impress the House with the absurdity and injustice of the preference which had been given to private, where public interest was so notorious and urgent. He then stated the consequences of this false step; it went to an implicit acquiescence with all the fraudulent conduct which had brought so much disgrace upon this country in that part of the world: he would not impute any bad intention to the gentlemen of the board; but the decision which, on this very pressing matter, had been come unto, filled him with astonishment and concern: he knew not how to account for it; but it would undoubtedly be considered abroad as encouraging and patronizing all those mal-practices and peculations for which the servants of the Company have been so much blamed. It did not adopt the maxim in so many words, but, however, indulged the principle: it would prove the truth of his observations by its future operations, as it would furnish a precedent to men of a certain description, which would have all the force of a statute, and which it would not be very easy for any board of direction or control henceforth to dispute. Such, he said, were the consequences which this inauspicious measure, both for India and Great Britain, seemed calculated to effect; it therefore seemed, in his mind, a very proper subject for the interference of the House; it was an instance which plainly shewed how wisely the power of cognizance was lodged by the constitution in the House of Commons.

Concerning that part which respected the crop of 1775, it was evident that the rajah of Tanjore paid the nabob of Arcot the arrears and the tribute, with the interest due thereon; but it was a matter of justice, that the man who sowed should reap, or that he should have the profits of his own harvest. The right hon. gentleman then entered again on the first topic of his argument, and added a farther observation on the debts of the nabob of Arcot. He said, that the faction, though sometimes supported by the directors, and

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sometimes by the proprietors, yet still kept up their friendship for him; perhaps it might be their fear of him, or of the servants in India; for it was clearly evident, that the orders of the Company were never enforced, and that the culprits were not brought to justice, even by the most factious of the proprietors, or the most daring of the directors; nor did they attempt to have any legal authority whatsoever, under which it was their duty to act. The board of control was now suspected, and there were certain papers in the possession of his Majesty's ministers, which could either bring home the criminality, or exculpate those suspected persons. The point thus lying between the directors and the board, it was certainly become an easy matter for government to prove to the House whether those charges were founded in falsehood or in truth, and whether the spirit of the act of parliament had been attended to, and its letter obeyed. It was, in fact, the only mode by which the legislature could arrive at an authenticated information, whether those into whose hands they had given the business of India had betrayed their trust or not. It was the duty of the House to watch those servants whom they had employed, and to judge of the measures which were adopted by the fruit they produced, as it was evident that nothing but the most effectual and coercive acts would tend to do any service in India. The gentlemen in administration knew this to be the fact, and they confessed it when their Bill was brought into parliament. He begged, therefore, of the right hon. gentleman (Mr. Dundas) to come forward and defend his measures, on producing the papers called for. But he trusted that, as the subject was a matter of consequence to the kingdom, he should not be answered by invective, and told, "that which you have done is worse than what we have done."

He requested the House to consider, that if his Bill had any merit, which could not be controverted even by sophistry itself, it was the merit of making the House judges in all cases, and hiding no transaction whatever from the view of the public: this undoubtedly was, and in the end it would be found so, the only way of truly governing the people of India. Darkness was the shelter under which all the iniquities of the servants of the Company were hid; and to make visible the conduct was the true method of correcting their vices, and doing justice to the public. A detail of India business, it was true, came but with a bad prospect of attention at present. Men's minds were taken up on much more important subjects. Their dearest interests, their most valuable privileges were now at stake, and engrossed their principal thoughts; but still it must be recollected, that India, though removed at a great distance, yet, in its present state, and from the late alarming accounts of the system of plunder, peculation, and resistance to legislative authority continuing, it became a matter of importance. If the papers which he should call for were produced, he pledged himself not to shrink from the inquiry; and that he would so far do justice to the public, to the directors, to the board of control, to his Majesty's ministers, and to the servants of the Company, as to obtain from the House a decision which should either exculpate or criminate. Should it prove an acquittal, then all the glory, and let them have it, would be to the framers of the late Bill; and surely if the inquiry was not dreaded, the motion he intended to make would be acceded to. There was a large arrear of authentic intelligence due to the House, and the public looked for it. They looked for it, because a kind of jealousy arose on account of the many eager, warm, anxious, and zealous supporters of the servants of the Company in India, who sat in parliament. But this phalanx did not deter him, nor was he afraid of the present House of Commons. Five hundred and fifty-eight gentlemen would not be deaf to reason, nor shut their eyes and their ears to truth. They would listen to the voice of truth; they had done so on a late occasion, and he had no fears for their determination on the present. However partial they might be to the general politics of the minister, yet, on particular occasions, they would not fail to recollect that they were the representatives of the people.

He again repeated his intreaties that ministers would open their minds, judge by the merits of the case, and therefore not withhold that information from the House, which it was so very requisite the House should have. There was a connexion between the public revenue of this country and the India Company, which bound us in such a manner to pay their debts, that common honesty required ministers not to deny those papers, which were necessary to prove what had been done in consequence of the Act passed in

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the last session of parliament. He begged that the House would look to the debt of two million and a half, due to the Bombay presidency, which at present was not put into any mode of payment, and the bonds in consequence were so reduced, that they sold at 60*l.* per cent. discount; districts indeed had been given as security, but those districts, by the hand of power, were taken away, and the claim of a number of suspicious private creditors were preferred to the public debt, against which there was not any proof whatsoever, nor even the smallest idea of fraud. This surely was a most serious object of inquiry, and it was a matter which he wished the whole court of directors to hear. The chairman, he observed, was behind him, and it made him happy to find him there, because he could give his opinion whether he thought this new board of control had acted with fidelity or not, to that trust which the House had so confidentially committed to their care. Matters of accounts could not be made too public; and this was an aphorism well known to the House. There were two purposes to which his motion tended, and he wished the House to consider them well—The crimination of the board of control, or an amendment of the act of parliament. He then moved, "That the proper officer do lay before this House, copies or extracts of all letters and orders of the court of directors of the United East India Company in pursuance of the injunctions contained in the 37th and 38th clauses of the Act passed in the last session of parliament, for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies."

Mr. *Francis* said, he rose to second the motion. The first object that presented itself in this business was not the transaction itself, nor the merits of the disputes between the directors and the commissioners, as the distribution of power, which was the source of the dispute, laid the foundation of others without end. He reminded the House, that he had foretold the consequence of dividing the power of the Company between two boards, but said, it did not require any extraordinary talent at prediction, to foretell the consequences of such an institution. The common effect of clashing powers were opposition and counteraction; thus they saw as soon as the directors had begun to act, the commissioners counteracted; and action on the part of the directors produced counteraction on that of the commissioners; the consequence was, orders had been at last sent to India, signed with the names of twenty-four men, whose sentiments were known to be directly the reverse. What could such a circumstance produce but contempt and disobedience abroad? What Mr. Fox had slightly touched upon, Mr. Francis said, he considered as of very great importance, and that was the matter of fact that the two points in question were specially and exclusively referred to the court of directors by the 37th and 38th clauses of the Act. They were, he observed, questions of right and property, not matters of revenue, or civil or military government. The commissioners had no jurisdiction over them, neither concurrent nor appellant, but had assumed a power against law, which they had exercised against justice. Admitting, however, that an appeal would have lain, no appellant jurisdiction could act, until an appeal was made to them from one of the parties. Whereas the commissioners have acted as if the original juristiction was in them, and as if the court of directors had none at all. With regard to the debt of 1767, he would pass that by, and confine himself to the cavalry loan, and to the debt of 1777; these debts were, he said, at least of a questionable nature. Parliament, the court of directors, and the commissioners, were all agreed in saying, that they were so; yet they have been all passed without any question at all; in other words, a very questionable debt of near two millions and a half had been ordered to be paid with as much facility and indifference as if it were a perfect trifle. Indeed, the debt was much worse than questionable; it was suspicious and fraudulent, and it had been repeatedly stamped with the worst interpretations. The commissioners of control themselves, in their letter to the directors, of the 15th of October last, say, "The debts of 1777 do not certainly stand in the same light. They were contracted without any authority from the Company; were consolidated in no respect under their sanction, and have never been recognized by them." The directors, in their letter of April 17, 1778, say, "It is our express command that you immediately and utterly disavow, on the part of the Company, all and every

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security which may have been given to Messrs. Taylor, &c. The loan, if actually made, was a direct breach of our orders." Sir Thomas Rumbold, in his letter to the directors, dated Fort St. George, March 15, 1778, speaking of the cavalry loan, says, "Whether it was applied to so good a purpose or not, I cannot say. How shall I paint to you my astonishment when I was informed, that, independent of these four lacks of pagodas, independent of the nabob's debt to his old creditors, and the money due to the Company, he had contracted a debt to the enormous amount of 63 lacks of pagodas! I mention this circumstance to you with horror. It is, in my mind, the most venal of all proceedings, to give the Company's protection to debts that cannot bear the light." The nabob also, in his letter to sir T. Rumbold, dated the 24th of March, 1779, had these words: "Two years are nearly expired since that time, but Mr. Taylor has not yet entirely discharged the arrears of those troops, and I am obliged to continue their pay from that time till this."—Exclusive of these comments on the cavalry loan, and that of 1777, Mr. Francis observed, that Mr. Hastings had ordered 25 per cent. to be cut off from the transferrable debts, and no interest to be paid on the principal. The authority of Mr. Hastings was of great weight in the scale against the creditors, since it was not likely that he would offend them if the case were not gross and flagrant. It had not been his policy to offend individuals for the sake of the public. But parliament, it was plain, supposed an inquiry into the debts of the nabob necessary, and accordingly they ordered the court of directors to take into their consideration the origin and justice of the said demands. On the principles there laid down by parliament, the directors had proceeded and given proper orders. The commissioners opposed their opinions, not only to the directors, but to the authority of parliament itself, and had ordered the whole of the debts, the doubtful and fraudulent, as well as the good debts, to be peremptorily paid without inquiry. This was an assumption of discretional power, that they were not legally invested with, and if they had been so, they would have made a wrong use of it. Here Mr. Francis introduced several short remarks on the nature of such a stretch of authority; he ascribed it to ostentation and want of modesty, observing "quædam causæ modestiam desiderant." He also fairly told the other side of the House, that their personal characters were more endangered than they perhaps imagined, for that rumours were abroad, that there was a collusion between the board of control and the creditors of the nabob. He said a few words on the bad consequence of affording cause for the circulation of any such rumours, and at length he returned to the consideration of the Act of the last session, which he said he considered as the source of the matter of complaint made the subject of the debate. His principal objection to the Act, he stated to be, that it introduced new principles into the law and constitution of England. That, for the trial of offences committed in India, a high commission court was established, without the intervention of a jury; and now, another principle, foreign to the spirit of the English laws and jurisprudence, that a tribunal may exist (for the trial of a mere question of property between party and party, a mere matter of debt and credit,) in which the trial shall proceed, and the award be given, *januis clausis*. He added, that principles and innovations such as these, should have been resisted at their outset, and not suffered to gain ground; that he would not give such principles a point to stand on, lest, having once gained a footing, they might gradually gather strength, and on that footing, and with that strength, might sooner or later shake our whole political establishment to the ground.

Mr. *Dundas* said, that standing in the particular situation in which he had the honour to stand, the House, he presumed, would naturally expect to hear something from him. The right hon. gentleman had stated, that he moved for the papers in question with a direct view to crimination; such a view, he was ready to admit, was a very good parliamentary ground for any motion of the kind; but when he admitted thus much, he must also observe, that it was incumbent on the right hon. gentleman to show, in a manner satisfactory to the House, that there was a cause for crimination, and to state the facts that led him to form that judgment, so as to induce the House to go along with him in opinion, and to order the papers now called for. The House had heard the right hon. gentleman's argument, and they had observed on what assertions he rested his charge. He would endeavour to go through the principal of those assertions, and as he proceeded he would accompany them with

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observations tending either to refute or to explain every one of them. When he should have concluded what he had to say, the House would be in possession both of the charge and the reply to that charge; and it would then be in their power to decide how far the charge was founded, and how far the board of control was criminal or not. He begged, therefore, to be understood as rising to ask no favour of any man; he desired to be watched with an eye of jealousy; he knew he spoke in the hearing of some who might be prejudiced; he expected little candour from many, but he had a right to demand justice from all. When the Act was in agitation last year, Mr. Dundas reminded the House, the board of control had been complained of as an institution at once frivolous and feeble, nugatory and useless. It had been abused in the grossest manner, and, among other things, it had been said, that the commissioners would be wholly subservient to the court of directors; that they would act under them, and be, as it were, a shield to their ill conduct and their criminality. As the language held that day had been of a very different complexion, and as the board had been abused, not for subserviency to the court of directors, but for holding a conduct directly the reverse, he hoped they should not again hear any attacks urged on the same ground as had formerly been taken. Though the ground of attack, however, had been changed, the severity of the abuse was not slackened: last year the board was accused with being likely to take the part of the court of directors, and screen them in their concealment of delinquents; but now the accusation was extended all the length of India, and the right hon. gentleman had thought proper to impute to the board of control a direct design to encourage and promote peculation and corruption in the Company's servants abroad. How far they had acted in a manner liable to any such imputation, it would be for the House to judge, after they should have heard the motives that induced them to adopt the line of conduct that they had adopted.

Mr. Dundas proceeded to examine and to controvert the different positions laid down by Mr. Fox. In referring to the several bills that had been brought in on the subject of establishing a new system of government for India, the right hon. gentleman, he said, had truly stated, that in every one of them the same desire to liquidate the debts of the nabob of Arcot was manifested, though not in each of the three Bills precisely in the same terms; but, in quoting the Bills, the right hon. gentleman had shewn that he possessed, to use an expression of his own, a memory more convenient than correct. Mr. Dundas here read a clause from his own Bill in justification of this assertion. He next reasoned upon the words of the 37th clause of the Act of the last year, in proof that the board had not exceeded its powers, but had acted strictly within the meaning of the statute. He said, the court of directors were commanded to take into their consideration the origin and justice of the demands upon the nabob of Arcot, as far as the materials they are in possession of shall enable them so to do. The clear construction of which was, that they were to proceed forthwith to consider such demands as the materials in their possession enabled them to consider. This they had done, and no more. The letters and correspondence in the Company's books at the India-house, and a variety of other data, afforded as full information upon the subject of the debt of 1767, of the cavalry debt, and of the consolidated debt of 1777, as the court of directors could expect to receive; and the arrangement that the board of control had ordered, was that which appeared to them to be the arrangement of all others the most fair and just to all the parties. With regard to the invalidity of the different debts, he would enter into some discussion. The debt of 1767 was incurred by this means; the nabob being in debt to the Company, and in the greatest distress, publicly advertised to borrow money at a high interest; the consequence was, a considerable deal of money was lent him, some at 30, 35, and 36 per cent. interest, and by way of security, the nabob gave the lenders assignments upon his territorial revenues; it appearing afterwards that the lenders were chiefly British subjects, an order was sent out by the court of directors to lower all the interest to 10 per cent. This was, at the time, greatly complained of by some of the nabob's creditors, stating, that they themselves had borrowed the money they lent to the nabob at a much higher interest than 10 per cent. The order, however, was put in force. The whole of the money raised by this loan of 1767, was paid immediately into the Company's treasury, and the loan at the time recognised and admitted by the Company. There could, therefore, be no

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suspicion entertained about the validity of that debt.

Having stated all the particulars of the debt of 1767, Mr. Dundas proceeded to explain the cavalry debt; which was not a loan, he said, to furnish the nabob with cavalry, as some gentlemen imagined, but in fact a loan had been advanced, if he might so say it, to unfurnish him. This he illustrated by stating, that the wise policy of this country had ever looked with a jealous eye on the military force in the Carnatic, and had always made it a rule that the European troops should be superior to the troops of any of the native princes. In consequence of this system, the British government at Madras caused it to be suggested to the nabob, that his army was too large, and advised him to disband 400 of his cavalry. The nabob declared, he should not object to the proposal, were it not that he was so poor, that he had not wherewithal to pay them, that they were then above a year in arrears, and were extremely mutinous, having confined their officers on account of their not being paid. The British government, he said, though it advised the disbanding of the cavalry, would not lend the money necessary to enable the nabob to carry the measure into execution, but some individuals in the country offered to advance the sum wanted, provided the East India Company would be the nabob's security. To this at length the Company acceded, and agreed to guarantee the debt to the creditors. This matter, Mr. Dundas said, had been canvassed again and again, and some of the ablest lawyers had given it as their opinon, that so committed were the Company upon it, that an action at common law would lie against them for the debt; there could be no doubt, therefore, that the court of directors were as fully informed respecting the cavalry debt as they could possibly be.

He next proceeded to discuss the nature of the consolidated debt of 1777, which he admitted was not all of it equally free from suspicion with the debt of 1767 and the cavalry debt; but then he desired the House in general, and particularly the directors of the East India Company, to advert to the arrangement of the board of control, in order to observe that they had done nothing more than allowed the creditors of 1767 to make their claims, which claims, so made, were to be subject to the objection, first, of the nabob of Arcot, to that of the Company, and to that of the creditors in general. And if any one claim was opposed by either of the three, the objection was to be sent home, and the answer to it, for the consideration and decision of the court of directors and the board of control. Mr. Dundas reasoned upon this for some time. He said, if such a regulation had not been adopted, he should have conceived the board would have acted very imprudently. Had they left the creditors of 1767 wholly unprotected, they would naturally have thrown themselves upon the protection of the nabob of Arcot, and would, he verily believed, have been the first order of creditors paid, instead of the last. He also said, that would have frustrated all the purposes of the clause in the act of parliament, by leaving the nabob an opportunity to plead in excuse for not keeping his payments to the Company, that he was harassed by the applications of his private creditors. Another reason adduced by him, in justification of the board of control was, that the nabob was not the most likely to be the person who would oppose any of the claims of the creditors of 1767; but if any method were likely to induce him to oppose any of them, it was the putting them upon the footing, upon which the arrangement placed them. He took notice of Mr. Fox's charge against the board, and said, they had seen a gentleman, a member of that House, an agent for a considerable number of the year 1777 creditors, and another gentleman, a member of the last parliament, general Smith, with whom they had discussed the subject, and the latter had produced an authentic register of the debts. He said farther, if the board of control had damned their consciences, if they had been guilty of peculation and corruption, it was to oblige general Smith; a circumstance of which he did not believe they would be greatly suspected. He declared he sincerely wished the general had been a member of that House, as he should have received, that day, a good deal of material information on the subject of the debts. He said, he was glad to see an hon. baronet present (sir T. Rumbold), as he hoped he would agree in all he had said relative to the debts. He took notice of Mr. Francis's having read a quotation from a letter written by sir Thomas to the court of directors, and charged him with having read only just as much as would serve his own argument, while he omitted a material part of the sentence, which he read to the

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House. He described sir Thomas's conduct in India, relative to the debts of 1777, declaring that he had set about an inquiry into the nature of the debts, and into their reason and justice, the moment he arrived at Madras, which he caused to be prosecuted with every possible alacrity the two first years he was there, but the third wrote home to recommend the creditors to the care of the Company. He commented on this for a few seconds, but declared he acquitted sir Thomas of every undue or unworthy motive for his conduct, which certainly appeared a little extraordinary.

After having gone through the history of the debts, and expatiated upon the origin of each, contending that the greater part of them had been already so far recognized by the Company, in repeated orders and proceedings, that they could not with any sort of justice be now questioned, and after enforcing his opinion that the suffering the creditors of 1777 to make their claims under the limitations prescribed, was the most probable mode of leading to a discovery of such of those claims as were not valid and justifiable, he proceeded to take notice of Mr. Fox's having said that the board of control knew that the revenue of the Carnatic did not amount to more than 20 lacks of pagodas. So far from knowing this, he said, he knew the direct contrary. He knew that the revenue might with safety be stated at 80 lacks of pagodas; and the confidence he felt on that point, grew out of the best authority that could inspire confidence, viz. the information of lord Macartney, who had been truly described as the best servant the Company ever sent to India. Lord Macartney had the management and collection of the revenue, and he had collected in one year, upon leasing out a part only of the Carnatic, 26 lacks of pagodas. That year was the first year after the conclusion of the war, and consequently there was every reason to expect that the produce would be larger in proportion as the country felt the blessings of peace, and arts and agriculture flourished. Nor were the 26 lacks the whole of the produce to be expected, even for the past year; in India, as in England, considerable sums were paid upon granting leases by way of fine for the new leases. Taking, therefore, the fines into the consideration, as well as the revenue of the other remaining part of the Carnatic, it was surely running no risk of a failure, to estimate the revenue at four lacks more, which would complete the 30 lacks. He next stated what length of time it would take to pay off the several debts, and treated Mr. Francis's declaration, that rumours were abroad, that there was a collusion between the board of control and the creditors of 1777, with some degree of ridicule. He said, it was not the first time his conduct had been misrepresented. It had been said, just with the same degree of truth, that he had received a very large sum of money from an hon. baronet, on a particular occasion; just in like manner did there now exist a collusion between the board of control and the creditors in India. He had slept perfectly quiet and serene under the former charge, and he trusted he should preserve his temper equally unruffled under the present accusation.

He said there was another matter, to which he must still farther solicit their attention, and that was to the next clause in the Bill, that relating to the settling upon a permanent foundation the indeterminate rights and pretensions of the nabob of Arcot, and the rajah of Tanjore. With regard to the fort of Arnée, that had not been laid any great stress upon, and therefore he should forbear going much into length respecting it; but with regard to Hanamanticoote, he should contend, that the board of control had done nothing more, than leave it where it was at the time of the treaty of 1762. In order to prove this, he went into a detail of the geographical situation of Hanamanticoote, which he stated to be a territory in the Marava country, and to have often changed its master, having been originally in the possession of the nabob of Arcot, and since that alternately in the hands of the insurgents in the Marava country, and in the hands of the rajah of Tanjore. Hanamanticoote having however been actually in the hands of the old nabob of Arcot in 1762, the board had ordered it to be put into the hands of the nabob again, in conformity to the express directions of the clause of the act of parliament. Mr. Dundas took notice of Mr Fox having spoken in terms of encomium of the directors, for the conduct they had held, respecting the objects of the motion, and advised them not to be gulled by the flattery of the day. For his part, he declared, he would not praise them one day, and condemn them another, or dance them about like a parcel of puppets, merely as the humour of the moment dictated. He

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scouted the idea, that the board of control were not to exercise their superintending powers, whenever they saw occasion, and as well respecting the 37th and 38th clauses of the Act, as any other. If they were not, they could not act upon the next clause, that relative to the polygars, zemindars, &c. which would be to confess themselves as useless a board, as they had been stated to be last year, by those whose interest and whose wish it was to depreciate the institution, and both to describe and render them as inefficacious and nugatory a board as possible.

At length he summed up all his arguments, and said, if the House thought, after all they had heard, that the board had acted criminally, they ought not to let them continue a moment longer in their situations. He added, that he would not scruple to say, that if they had not hitherto served the public diligently, faithfully, and conscientiously, there was not the smallest probability that they would do so in future; let the House therefore decide how they would. With regard to the papers now moved for, he was of opinion they ought not to be produced, because he could not be brought to admit that no danger could arise to the interests of the country from laying papers upon the table of either House of parliament that were already in print. Great danger might result from the practice; nay, he would go farther, no good ever was produced by such discussions as that of the day, a discussion that he had been forced into by the right hon. gentleman's zeal for having matter, affecting the politics of the times, made public. He hinted to Mr. Fox, that going into a detail of the revenue of the Carnatic, the situation, &c. of Hanamanticoote, and several other topics unavoidably touched upon in the course of the conversation, were not matters that it was wise to treat upon in a popular assembly. He said farther, that if we wished to have a permanent government in India, the way to procure such a government was not by the House interfering idly and lightly with the executive power, in whose hands the legislature had placed the conduct of the government; neither was it by intimating to the persons in high situations in India, and to the native princes, that the British parliament was so fluctuating and unstable in its proceedings, that the government it set up one day, it wished, without any good reason, to pull down the next, and that there was an extreme probability that the orders received by those in India, in whose hands the government there was lodged, by one ship, would be contradicted by orders of a different tendency, that would arrive in another, and that there was no prospect of stability and firmness. He cautioned the House against suddenly, and without good cause, imbibing sentiments of doubt and distrust, against a board they had so lately instituted, and opposed the characters and stake of the present commissioners, against the designs and interested views of men, known to be on the watch to thrust them from their situations, declaring that the latter cared not by what means they got into them, while those at present in office had their reputation, their political existence, and their future prospects pledged with the public, as securities for their integrity and good intentions. Mr. Dundas sat down, declaring he should give his negative to the motion.

Mr. *Smith*, chairman of the India Company, rose, and shortly stated his reasons for differing with the learned gentleman who spoke last, and the board of control, in the manner in which the liquidation of the debts was settled.

Sir *T. Rumbold* entered into a short history of the manner in which the debts were contracted, which were by no means the most honourable; and the new debt was contracted chiefly in the expedition against the rajah of Tanjore, and during the removal of lord Pigot; for in the year 1773, the nabob owed only ten lacks. The hon. baronet read a letter, which he received whilst at Madras, from the creditors of the nabob, in which they stated, that they did not expect to have an equal participation with the Company, in the liquidation of the debt; but were content to be thought of second, in the adjustment of those debts. He condemned the measures taken by the board of control, as they were diametrically opposite to the power vested in them by the Act; therefore, he was for having the papers to make it clear and satisfactory to the House.

Mr. *Burke* rose and said:*

The times we live in, Mr. Speaker, have been distinguished by extraordinary

* This Speech was published by Mr. Burke with the following

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"That the least informed reader of this

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events. Habituated, however, as we are, to uncommon combinations of men and of affairs, I believe nobody recollects any thing more surprising than the spectacle of this day. The right hon. gentleman (Mr. Dundas) whose conduct is now in question, formerly stood forth in this House, the prosecutor of the worthy baronet who spoke after him. He charged him with several grievous acts of malversation in office; with abuses of a public trust of a great and heinous nature. In less

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speech may be enabled to enter fully into the spirit of the transaction on occasion of which it was delivered, it may be proper to acquaint him, that among the princes dependent on this nation in the southern part of India, the most considerable at present is commonly known by the title of the nabob of Arcot.

"This prince owed the establishment of his government, against the claims of his elder brother, as well as those of other competitors, to the arms and influence of the British East India Company. Being thus established in a considerable part of the dominions he now possesses, he began, about the year 1765, to form, at the instigation (as he asserts) of the servants of the East India Company, a variety of designs for the further extension of his territories. Some years after, he carried his views to certain objects of interior arrangement, of a very pernicious nature. None of these designs could be compassed without the aid of the Company's arms; nor could those arms be employed consistently with an obedience to the Company's orders. He was therefore advised to form a more secret, but an equally powerful interest among the servants of that Company, and among others both at home and abroad. By engaging them in his interests, the use of the Company's power might be obtained without their ostensible authority; the power might even be employed in defiance of the authority; if the case should require, as in truth it often did require, a proceeding of that degree of boldness.

"The Company had put him into possession of several great cities and magnificent castles. The good order of his affairs, his sense of personal dignity, his ideas of oriental splendor, and the habits of an Asiatic life (to which, being a native of India, and a Mahometan, he had from his infancy been inured) would naturally have led him to fix the seat of his government within his own dominions. Instead of this, he totally sequestered himself from his country; and, abandoning all appearance of state, he took up his residence in an ordinary house, which he purchased in the suburbs of the Company's factory at Madras. In that place he has lived, without removing one day from thence, for several years past. He has there continued a constant cabal with the Company's servants, from the highest to the lowest; creating, out of the ruins of the country, brilliant fortunes for those who will, and entirely destroying those who will not, be subservient to his purposes.

"An opinion prevailed, strongly confirmed by several passages in his own letters, as well as by a combination of circumstances forming a body of evidence which cannot be resisted, that very great sums have been by him distributed, through a long course of years, to some of the Company's servants. Besides these presumed payments in ready money (of which, from the nature of the thing, the direct proof is very difficult) debts have at several periods been acknowledged to those gentlemen, to an immense amount; that is, to some millions of sterling money. There is strong reason to suspect, that the body of these debts is wholly fictitious, and was never created by money *bonâ fide* lent. But even on a supposition that this vast sum was really advanced, it was impossible that the very reality of such an astonishing transaction should not cause some degree of alarm, and incite to some sort of inquiry.

"It was not at all seemly, at a moment when the Company itself was so distressed, as to require a suspension by act of parliament, of the payment of bills drawn on them from India—and also a direct tax upon every house in England, in order to facilitate the vent of their goods, and to avoid instant insolvency—at that very moment that their servants should appear in so flourishing a condition, as, besides ten millions of other demands on their masters, to be entitled to claim a debt of three or four millions more from the territorial revenue of one of their dependent princes.

"The ostensible pecuniary transactions of the nabob of Arcot, with very private persons, are so enormous, that they evidently set aside every pretence of policy, which might induce a prudent government in some instances to wink at ordinary loose practice in ill-managed departments. No caution could be too great in handling this matter; no scrutiny too exact. It was evidently the interest, and as evidently at least in the power, of the creditors, by admitting secret participation in this dark and undefined concern, to spread corruption to the greatest and the most alarming extent.

"These facts relative to the debts were so notorious, the opinion of their being a principal source of the disorders of the British government in India was so undisputed and universal, that there was no party, no description of men in parliament, who did not think themselves bound, if not in honour and conscience, at least in common decency, to institute a vigorous inquiry into the very bottom of the business, before they admitted any

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than two years we see the situation of the parties reversed; and a singular revolution puts the worthy baronet in a fair way of returning the prosecution in a recriminatory bill of pains and penalties, grounded on a breach of public trust, relative to the government of the very same part of India. If he should undertake a bill of that kind, he will find no difficulty in conducting it with a degree of skill and vigour fully equal to all that have been exerted against him.

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part of that vast and suspicious charge to be laid upon an exhausted country. Every plan concurred in directing such an inquiry; in order that whatever was discovered to be corrupt, fraudulent, or oppressive, should lead to a due animadversion on the offenders; and if any thing fair and equitable in its origin should be found (nobody suspected that much, comparatively speaking would be so found), it might be provided for; in due subordination, however, to the ease of the subject, and the service of the state.

"These were the alleged grounds for an inquiry, settled in all the bills brought into parliament relative to India, and there were I think no less than four of them. By the Bill, commonly called Mr. Pitt's Bill, the inquiry was specially, and by express words, committed to the court of directors, without any reserve for the interference of any other person or persons whatsoever. It was ordered that they should make the inquiry into the origin and justice of these debts, as far as the materials in their possession enabled them to proceed; and where they found those materials deficient, they should order the presidency of Fort St. George [Madras] to complete the inquiry.

"The court of directors applied themselves to the execution of the trust reposed in them. They first examined into the amount of the debt, which they computed, at compound interest, to be 2,945,600*l.* sterling. Whether their mode of computation, either of the original sums, or the amount on compound interest, was exact; that is, whether they took the interest too high, or the several capitals too low, is not material. On whatever principle any of the calculations were made up, none of them found the debt to differ from the recital of the Act, which asserted, that the sums claimed were 'very large.' The last head of these debts the directors compute at 2,465,680*l.* sterling. Of the existenee of this debt the directors heard nothing until 1776, and they say, that, 'although they had repeatedly written to the 'nabob of Arcot, and to their servants, respecting the debt, yet they had never been 'able to trace the origin thereof, or to obtain 'any satisfactory information on the subject.'

"The court of directors, after stating the circumstances under which the debts appeared to them to have been contracted, add as follows: 'For these reasons we should 'have thought it our duty to inquire very 'minutely into those debts, even if the act 'of parliament had been silent on the subject, before we concurred in any measure 'for their payment. But with the positive 'injunctions of the Act before us, to examine 'into their nature and origin, we are indispensably bound to direct such an inquiry to 'be instituted.' They then order the president and council of Madras to enter into a full examination, &c. &c.

"The directors having drawn up their order to the presidency on these principles, communicated the draught of the general letter in which those orders were contained, to the board of his Majesty's ministers, and other servants lately constituted by Mr. Pitt's East India Act. These ministers, who had just carried through parliament the bill ordering a specific inquiry, immediately drew up another letter, on a principle directly opposite to that, which was prescribed by the Act of parliament, and followed by the directors. In these second orders, all idea of an inquiry into the justice and origin of the pretended debts, particularly of the last, the greatest, and the most obnoxious to suspicion, is abandoned. They are all admitted and established without any investigation whatsoever, except some private conference with the agents of the claimants is to pass for an investigation; and a fund for their discharge is assigned and set apart out of the revenues of the Carnatic.—To this arrangement in favour of their servants, servants suspected of corruption, and convicted of disobedience, the directors of the East India Company were ordered to set their hands, asserting it to arise from their own conviction and opinion, in flat contradiction to their recorded sentiments, their strong remonstrance, and their declared sense of their duty, as well under their general trust and their oath as directors, as under the express injunctions of an act of parliament.

"By another section of the same Act, the same court of directors were ordered to take into consideration and to decide on the indeterminate rights of the rajah of Tanjore and the nabob of Arcot; and in this, as in the former case, no power of appeal, revision, or alteration was reserved to any other. It was a jurisdiction in a cause between party and party, given to the court of directors specifically. It was known that the territories of the former of these princes had been twice invaded and pillaged, and the prince deposed and imprisoned, by the Company's servants, influenced by the intrigues of the latter, and for the purpose of paying his pretended debts. The Company had, in the year 1775, ordered a restoration of the rajah to his government, under certain conditions. The rajah com-

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But the change of relation between these two gentlemen is not so striking as the total difference of their deportment under the same unhappy circumstances. Whatever the merits of the worthy baronet's defence might have been, he did not shrink from the charge. He met it with manliness of spirit, and decency of behaviour. What would have been thought of him, if he had held the present language of his old accuser? When articles were exhibited against him by that right hon. gentleman, he did not think proper to tell the House that we ought to institute no inquiry, to inspect no paper, to examine no witness. He did not tell us (what at that time he might have told us with some show of reason) that our concerns in India were matters of delicacy; that to divulge any thing relative to them would be mischievous to the state. He did not tell us, that those who would inquire into his proceedings were disposed to dismember the empire. He had not the presumption to say, that for his part, having obtained, in his Indian presidency, the ultimate object of his ambition, his honour was concerned in executing with integrity the trust which had been legally committed to his charge: that others, not having been so fortunate, could not be so disinterested; and therefore their accusasions could spring from no other source than faction, and envy to his fortune.

Had he been frontless enough to hold such vain vapouring language in the face of a grave, a detailed, a specified matter of accusation, whilst he violently resisted every thing which could bring the merits of his cause to the test; had he been wild enough to anticipate the absurdities of this day; that is, had he inferred, as his late accuser had thought proper to do, that he could not have been guilty of malversation in office, for this sole and curious reason, that he had been in office; had he argued the impossibility of his abusing his power on this sole principle, that he had power to abuse, he would have left but one impression on the mind of every man who heard him, and who believed him in his senses—that in the utmost extent he was guilty of the charge.

But, Sir, leaving these two gentlemen to alternate, as criminal and accuser, upon what principles they think expedient; it is for us to consider, whether the Chancellor of the Exchequer, and the Treasurer of the Navy, acting as a board of control, are justified by law or policy, in suspending the legal arrangements made by the court of directors, in order to transfer the public revenues to the private emolument of certain servants of the East India Company, without the inquiry into the origin and justice of their claims, prescribed by an act of parliament?

It is not contended, that the act of parliament did not expressly ordain an inquiry. It is not asserted that this inquiry was not, with equal precision of terms, specially committed under particular regulations to the court of directors. I conceive, therefore, the board of control

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plained that his territories had not been completely restored to him; and that no part of his goods, money, revenues, or records, unjustly taken and withheld from him, were ever returned. The nabob, on the other hand, never ceased to claim the country itself, and carried on a continued train of negociation, that it should again be given up to him, in violation of the Company's public faith.

"The directors, in obedience to this part of the Act, ordered an inquiry, and came to a determination to restore certain of his territories to the rajah. The ministers proceeding as in the former case, without hearing any party, rescinded the decision of the directors, refused the restitution of the territory, and without regard to the condition of the country of Tanjore, which had been within a few years four times plundered (twice by the nabob of Arcot, and twice by enemies brought upon it solely by the politics of the same nabob, the declared enemy of that people), and without discounting a shilling for their sufferings, they accumulate an arrear of about 400,000*l.* of pretended tribute to this enemy; and then they order the directors to put their hands to a new adjudication, directly contrary to a judgment in a judicial character and trust, solemnly given by them, and entered on their records.

"These proceedings naturally called for some inquiry. On the 28th of February, 1785, Mr. Fox made the following motion in the House of Commons, after moving that the clauses of the Act should be read—'That 'the proper officer do lay before this House 'copies and extracts of all letters and orders 'of the court of directors of the united East 'India Company, in pursuance of the injunc-'tions contained in the 37th and 38th clauses 'of the said Act;' and the question being put, it passed in the negative by a very great majority. The last speech in the debate was the following; which is given to the public, not as being more worthy of its attention than others (some of which were of consummate ability), but as entering more into the detail of the subject."

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had no right whatsoever to intermeddle in that business. There is nothing certain in the principles of jurisprudence, if this be not undeniably true, that when a special authority is given to any persons by name, to do some particular act, that no others, by virtue of general powers, can obtain a legal title to intrude themselves into that trust, and to exercise those special functions in their place. I therefore consider the intermeddling of ministers in this affair as a downright usurpation. But if the strained construction, by which they have forced themselves into a suspicious office (which every man, delicate with regard to character, would rather have sought constructions to avoid), were perfectly sound and perfectly legal, of this I am certain, that they cannot be justified in declining the inquiry which had been prescribed to the court of directors. If the board of control did lawfully possess the right of executing the special trust given to that court, they must take it as they found it, subject to the very same regulations which bound the court of directors. It will be allowed that the court of directors had no authority to dispense with either the substance or the mode of inquiry prescribed by the act of parliament. If they had not, where, in the act, did the board of control acquire that capacity? Indeed, it was impossible they should acquire is.—What must we think of the fabric and texture of an act of parliament which should find it necessary to prescribe a strict inquisition; that should descend into minute regulations for the conduct of that inquisition; that should commit this trust to a particular description of men, and in the very same breath should enable another body, at their own pleasure, to supersede all the provisions the legislature had made, and to defeat the whole purpose, end, and object of the law? This cannot be supposed even of an act of parliament conceived by the ministers themselves, and brought forth during the delirium of the last session.

My right hon. friend has told you in the speech which introduced his motion, that fortunately this question is not a great deal involved in the labyrinths of Indian detail. Certainly not. But if it were, I beg leave to assure you, that there is nothing in the Indian detail which is more difficult than in the detail of any other business. I admit, because I have some experience of the fact, that for the interior regulation of India, a minute knowledge of India is requisite. But on any specific matter of delinquency in its government, you are as capable of judging, as if the same thing were done at your door. Fraud, injustice, oppression, peculation, engendered in India, are crimes of the same blood, family and cast, with those that are born and bred in England. To go no farther than the case before us: you are just as competent to judge whether the sum of four millions sterling ought, or ought not, to be passed from the public treasury into a private pocket, without any title except the claim of the parties, when the issue of fact is laid in Madras, as when it is laid in Westminster.

Terms of art, indeed, are different in different places; but they are generally understood in none. The technical style of an Indian treasury is not one jot more remote than the jargon of our own exchequer, from the train of our ordinary ideas, or the idiom of our common language. The difference therefore in the two cases is not in the comparative difficulty or facility of the two subjects, but in our attention to the one, and our total neglect of the other. Had this attention and neglect been regulated by the value of the several objects, there would be nothing to complain of. But the reverse of that supposition is true. The scene of the Indian abuse is distant indeed; but we must not infer, that the value of our interest in it is decreased in proportion as it recedes from our view. In our politics, as in our common conduct, we shall be worse than infants, if we do not put our senses under the tuition of our judgment, and effectually cure ourselves of that optical illusion which makes a briar at our nose of greater magnitude, than an oak at five hundred yards distance.

I think I can trace all the calamities of this country to the single source of our not having had steadily before our eyes a general, comprehensive, well-connected, and well-proportioned view of the whole of our dominions, and a just sense of their true bearings and relations. After all its reductions, the British empire is still vast and various. After all the reductions of the House of Commons, (stripped as we are of our brightest ornaments, and of our most important privileges) enough are yet left to furnish us, if we please, with means of shewing to the world, that we deserve the superintendance of as large an empire as this kingdom ever held, and the continuance of as ample privileges as the House

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of Commons, in the plenitude of its power, had been habituated to assert. But if we make ourselves too little for the sphere of our duty; if, on the contrary, we do not stretch and expand our minds to the compass of their object, be well assured, that every thing about us will dwindle by degrees, until at length our concerns are shrunk to the dimensions of our minds. It is not a predilection to mean, sordid, home-bred cares, that will avert the consequences of a false estimation of our interest, or prevent the shameful dilapidation into which a great empire must fall, by mean reparations upon mighty ruins.

I confess I feel a degree of disgust, almost leading to despair, at the manner in which we are acting in the great exigencies of our country. There is now a Bill in this House, appointing a rigid inquisition into the minutest detail of our offices at home. The collection of 16 millions annually; a collection on which the public greatness, safety, and credit, have their reliance; the whole order of criminal jurisprudence, which holds together society itself, have at no time obliged us to call forth such powers; no, nor any thing like them. There is not a principle of the law and constitution of this country that is not subverted to favour the execution of that project. And for what is all this apparatus of bustle and terror? Is it because any thing substantial is expected from it? No. The stir and bustle itself is the end proposed. The eye-servants of a short-sighted master will employ themselves, not on what is most essential to his affairs, but on what is nearest to his ken. Great difficulties have given a just value to economy; and our minister of the day must be an economist, whatever it may cost us. But where is he to exert his talents? At home to be sure; for where else can he obtain a profitable credit for their exertion? It is nothing to him, whether the object on which he works under our eye be promising or not. If he does not obtain any public benefit, he may make regulations without end. Those are sure to pay in present expectation, whilst the effect is at a distance, and may be the concern of other times, and other men. On these principles he chooses to suppose (for he does not pretend more than to suppose) a naked possibility, that he shall draw some resource out of crumbs dropped from the trenchers of penury; that something shall be laid in store from the short allowance of revenue officers, overloaded with duty, and famished for want of bread; by a reduction from officers who are at this very hour ready to batter the treasury with what breaks through stone walls, for an increase of their appointments. From the marrowless bones of these skeleton establishments, by the use of every sort of cutting, and of every sort of fretting tool, he flatters himself that he may chip and rasp an empirical alimentary powder, to diet into some similitude of health and substance the languishing chimeras of fraudulent reformation.

Whilst he is thus employed according to his policy and to his taste, he has not leisure to inquire into those abuses in India that are drawing off money by millions from the treasures of this country, which are exhausting the vital juices from members of the state, where the public inanition is far more sorely felt than in the local exchequer of England. Not content with winking at these abuses, whilst he attempts to squeeze the laborious ill-paid drudges of English revenue, he lavishes in one act of corrupt prodigality, upon those who never served the public in any honest occupation at all, an annual income equal to two-thirds of the whole collection of the revenues of this kingdom.

Actuated by the same principle of choice, he has now on the anvil another scheme, full of difficulty and desperate hazard, which totally alters the commercial relation of two kingdoms; and what end soever it shall have, may bequeath a legacy of heart-burning and discontent to one of the countries, perhaps to both, to be perpetuated to the latest posterity, This project is also undertaken on the hope of profit. It is provided, that out of some (I know not what) remains of the Irish hereditary revenue, a fund at some time, and of some sort, should be applied to the protection of the Irish trade. Here we are commanded again to task our faith, and to persuade ourselves, that out of the surplus of deficiency, out of the savings of habitual and systematic prodigality, the minister of wonders will provide support for this nation, sinking under the mountainous load of 230 millions of debt. But whilst we look with pain at his desperate and laborious trifling; whilst we are apprehensive that he will break his back in stooping to pick up chaff and straws, he recovers himself at an elastic bound, and with a broad-cast swing of his

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arm, he squanders over his Indian field a sum far greater than the clear produce of the whole hereditary revenue of the kingdom of Ireland.*

Strange as this scheme of conduct in ministry is, and inconsistent with all just policy, it is still true to itself, and faithful to its own perverted order. Those who are bountiful to crimes, will be rigid to merit, and penurious to service. Their penury is even held out as a blind and cover to their prodigality. The economy of injustice is, to furnish resources for the fund of corruption. Then they pay off their protection to great crimes and great criminals, by being inexorable to the paltry frailties of little men; and these modern flagellants are sure, with a rigid fidelity, to whip their own enormities on the vicarious back of every small offender.

It is to draw your attention to economy of quite another order; it is to animadvert on offences of a far different description, that my hon. friend has brought before you the motion of this day. It is to perpetuate the abuses which are subverting the fabric of your empire, that the motion is opposed. It is therefore with reason (and if he has power to carry himself through, I commend his prudence) that the right hon. gentleman makes his stand at the very outset; and boldly refuses all parliamentary information. Let him admit but one step towards inquiry, and he is undone. You must be ignorant, or he cannot be safe. But before his curtain is let down, and the shades of eternal night shall veil our Eastern dominions from our view, permit me, Sir, to avail myself of the means which were furnished in anxious and inquisitive times, to demonstrate out of this single act of the present minister, what advantages you are to derive from permitting the greatest concern of this nation to be separated from the cognizance, and exempted even out of the competence, of parliament. The greatest body of your revenue, your most numerous armies, your most important commerce, the richest sources of your public credit, (contrary to every idea of the known settled policy of England) are on the point of being converted into a mystery of state. You are going to have one half of the globe hid even from the common liberal curiosity of an English gentleman. Here a grand revolution commences. Mark the period, and mark the circumstances. In most of the capital changes that are recorded in the principles and system of any government, a public benefit of some kind or other has been pretended. The revolution commenced in something plausible; in something which carried the appearance at least of punishment of delinquency, or correction of abuse. But here, in the very moment of the conversion of a department of British government into an Indian mystery, and in the very act in which the change commences, a corrupt, private interest is set up in direct opposition to the necessities of the nation. A diversion is made of millions of the public money from the public treasury to a private purse. It is not into secret negociations for war, peace, or alliance, that the House of Commons is forbidden to inquire. It is a matter of account; it is a pecuniary transaction; it is the demand of a suspected steward upon ruined tenants and an embarrassed master, that the Commons of Great Britain are commanded not to inspect. The whole tenor of the right hon. gentleman's argument is consonant to the nature of his policy. The system of concealment is fostered by a system of falsehood. False facts, false colours, false names of persons and things, are its whole support.

Sir, I mean to follow the right hon. gentleman over that field of deception, clearing what he has purposely obscured, and fairly stating what it was necessary for him to misrepresent. For this purpose, it is necessary you should know with some degree of distinctness, a little of the locality, the nature, the circumstances, the magnitude of the pretended debts on which this marvellous donation is founded, as well as of the persons from whom and by whom it is claimed.

Madras, with its dependencies, is the second (but with a long interval, the second) member of the British empire in the East. The trade of that city, and of the adjacent territory, was, not very long ago, among the most flourishing in Asia. But since the establishment of the British power, it has wasted away under an uniform gradual decline; insomuch that in the year 1779 not one merchant of eminence was to be found in the whole coun-

* The whole of the net Irish hereditary revenue is, on a medium of the last seven years, about 330,000*l.* yearly. The revenues of all denominations fall short more than 150,000*l.* yearly of the charges. On the present produce, if Mr. Pitt's scheme was to take place, he might gain from seven to ten thousand pounds a year.

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try. During this period of decay, about 600,000 sterling pounds a year have been drawn off by English gentlemen on their private account, by the way of China alone. If we add four hundred thousand, as probably remitted through other channels, and in other mediums, that is, in jewels, gold, and silver directly brought to Europe, and in bills upon the British and foreign companies, you will scarcely think the matter over-rated. If we fix the commencement of this extraction of money from the Carnatic at a period no earlier than the year 1760, and close it in the year 1780, it probably will not amount to a great deal less than twenty millions of money.

During the deep silent flow of this steady stream of wealth, which set from India into Europe, it generally passed on with no adequate observation; but happening at some periods to meet rifts of rocks that checked its course, it grew more noisy and attracted more notice. The pecuniary discussions caused by an accumulation of part of the fortunes of their servants in a debt from the nabob of Arcot, was the first thing which very particularly called for, and long engaged, the attention of the court of directors. This debt amounted to 880,000*l.* sterling, and was claimed, for the greater part, by English gentlemen, residing at Madras. This grand capital, settled at length by order at 10 per cent. afforded an annuity of 88,000*l.*

Whilst the directors were digesting their astonishment at this information, a memorial was presented to them from three gentlemen, informing them that their friends had lent likewise, to merchants of Canton in China, a sum of not more than one million sterling. In this memorial they called upon the Company for their assistance and interposition with the Chinese government for the recovery of the debt. This sum lent to Chinese merchants, was at 24 per cent. which would yield, if paid, an annuity of 240,000*l.**

Perplexed as the directors were with these demands, you may conceive, Sir, that they did not find themselves very much disembarrassed, by being made acquainted that they must again exert their influence for a new reserve of the happy parsimony of their servants, collected into a second debt from the nabob of Arcot, amounting to 2,400,000*l.* settled at an interest of 12 per cent. This is known by the name of the Consolidation of 1777, as the former of the nabob's debts was by the title of the Consolidation of 1767. To this was added, in a separate parcel, a little reserve called the Cavalry Debt, of 160,000*l.* at the same interest. The whole of these four capitals, amounting to 4,440,000*l.* produced at their several rates, annuities amounting to 623,000*l.* a year; a good deal more than one-third of the clear land-tax of England, at four shillings in the pound; a good deal more than double the whole annual dividend of the East India Company, the nominal masters to the proprietors in these funds. Of this interest, 383,200*l.* a year stood chargeable on the public revenues of the Carnatic.

Sir, at this moment, it will not be necessary to consider the various operations which the capital and interest of this debt have successively undergone. I shall speak to these operations when I come particularly to answer the right hon. gentleman on each of the heads, as he has thought proper to divide them. But this was the exact view in which these debts first appeared to the court of directors, and to the world. It varied afterwards. But it never appeared in any other than a most questionable shape. When this gigantic phantom of debt first appeared before a young minister, it naturally would have justified some degree of doubt and apprehension. Such a prodigy would have filled any common man with superstitious fears. He would exorcise that shapeless, nameless form, and by every thing sacred would have adjured it to tell by what means a small number of slight individuals, of no consequence or situation, possessed of no lucrative offices, without the command of armies, or the known administration of revenues, without profession of any kind, without any sort of trade sufficient to employ a pedlar, could have, in a few years (as to some, even in a few months) amassed treasures equal to the revenues of a respectable kingdom? Was it not enough to put these gentlemen, in the noviciate of their administration, on their guard, and to call upon them for a strict inquiry (if not to justify them in a reprobation of those demands without any inquiry at all), that when all England, Scotland, and Ireland had for years been witness to the immense sums laid out by the servants of the Com-

* A witness examined before the committee of secrecy says, that 18 per cent. was the usual interest; but he had heard that more had been given. The above is the account which Mr. B. received.

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pany in stocks of all denominations, in the purchase of lands, in the buying and building of houses, in the securing quiet seats in parliament, or in the tumultuous riot of contested elections, in wandering throughout the whole range of those variegated modes of inventive prodigality, which sometimes have excited our wonder, sometimes roused our indignation; that after all India was four millions still in debt to them? India in debt them! For what? Every debt for which an equivalent of some kind or other is not given, is on the face of it a fraud. What is the equivalent they have given? What equivalent had they to give? What are the articles of commerce, or the branches of manufacture which those gentlemen have carried hence to enrich India? What are the sciences they beamed out to enlighten it? What are the arts they introduced to cheer and to adorn it? What are the religious, what the moral institutions they have taught among that people as a guide to life, or as a consolation when life is to be no more, that there is an eternal debt, a debt 'still paying still to owe,' which must be bound on the present generation in India, and entailed on their mortgaged posterity for ever? A debt of millions, in favour of a set of men, whose names, with few exceptions, are either buried in the obscurity of their origin and talents, or dragged into light by the enormity of their crimes?

In my opinion the courage of the minister was the most wonderful part of the transaction, especially as he must have read, or rather the right hon. gentleman says, he has read for him, whole volumes upon the subject. The volumes, by the way, are not by one-tenth part so numerous as the right hon. gentleman has thought proper to pretend, in order to frighten you from inquiry; but in these volumes, such as they are, the minister must have found a full authority for a suspicion (at the very least) of every thing relative to the great fortunes made at Madras. What is that authority? Why no other than the standing authority for all the claims which the ministry has thought fit to provide for—the grand debtor—the nabob of Arcot himself. Hear that prince, in the letter written to the court of directors, at the precise period, whilst the main body of these debts were contracting. In his letter he states himself to be, what undoubtedly he is, a most competent witness to this point. After speaking of the war with Hyder Ali in 1768 and 1769, and of other measures which he censures (whether right or wrong it signifies nothing), and into which he says he had been led by the Company's servants; he proceeds in this manner:—"If all these things were against the real interests of the Company, they are ten thousand times more against mine, and against the prosperity of my country, and the happiness of my people; for your interests and mine are the same. What were they owing to, then? to the private views of a few individuals, who have enriched themselves at the expense of your influence, and of my country; for your servants have no trade in this country; neither do you pay them high wages, yet in a few years they return to England with many lacks of pagodas. How can you or I account for such immense fortunes acquired in so short a time, without any visible means of getting them?"

When he asked this question, which involves its answer, it is extraordinary that curiosity did not prompt the Chancellor of the Exchequer to that inquiry, which might come in vain recommended to him by his own act of parliament. Does not the nabob of Arcot tell us in so many words, that there was no fair way of making the enormous sums sent by the Company's servants to England? and do you imagine that there was or could be more honesty and good faith, in the demands for what remained behind in India? Of what nature were the transactions with himself? If you follow the train of his information you must see, that if these great sums were at all lent, it was not property, but spoil that was lent; if not lent, the transaction was not a contract, but a fraud. Either way, if light enough could not be furnished to authorize a full condemnation of these demands, they ought to have been left to the parties, who best knew and understood each other's proceedings. It was not necessary that the authority of government should interpose in favour of claims, whose very foundation was a defiance of that authority, and whose object and end was its entire subversion.

It may be said that this letter was written by the nabob of Arcot in a moody humour, under the influence of some chagrin. Certainly it was; but it is in such humours that truth comes out. And when he tells you from his own knowledge, what every one must presume, from the extreme probability of the thing, whe-

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ther he told it or not, one such testimony is worth a thousand that contradict that probability, when the parties have a better understanding with each other, and when they have a point to carry, that may unite them in a common deceit.

If this body of private claims of debt, real or devised, were a question, as it is falsely pretended, between the nabob of Arcot as debtor, and Paul Benfield and his associates as creditors, I am sure, I should give myself but little trouble about it. If the hoards of oppression were the fund for satisfying the claims of bribery and peculation, who would wish to interfere between such litigants? If the demands were confined to what might be drawn from the treasures, which the Company's records uniformly assert that the nabob is in possession of; or if he had mines of gold or silver, or diamonds (as we know that he has none), these gentlemen might break open his hoards, or dig in his mines, without any disturbance from me. But the gentlemen on the other side of the House know as well as I do, and they dare not contradict me, that the nabob of Arcot and his creditors are not adversaries, but collusive parties, and that the whole transaction is under a false colour and false names. The litigation is not, nor ever has been, between their rapacity and his hoarded riches. No; it is between him and them combining and confederating on one side, and the public revenues, and the miserable inhabitants of a ruined country, on the other. These are the real plaintiffs and the real defendants in the suit. Refusing a shilling from his hoards for the satisfaction of any demand, the nabob of Arcot is always ready, nay, he earnestly, and with eagerness and passion, contends for delivering up to these pretended creditors his territory and his subjects. It is therefore not from treasuries and mines, but from the food of your unpaid armies, from the blood withheld from the veins, and whipt out of the backs of the most miserable of men, that we are to pamper extortion, usury, and peculation, under the false names of debtors and creditors of state.

The great patron of these creditors (to whose honour they ought to erect statues), the right hon. gentleman (Mr. Dundas), in stating the merits which recommended them to his favour, has ranked them under three grand divisions. The first, the creditors of 1767; then the creditors of the cavalry loan; and lastly, the creditors of the loan in 1777. Let us examine them, one by one, as they pass in review before us.

The first of these loans, that of 1767, he insists, has an indisputable claim upon the public justice. The creditors, he affirms, lent their money publicly; they advanced it with the express knowledge and approbation of the Company; and it was contracted at the moderate interest of ten per cent. In this loan the demand is, according to him, not only just, but meritorious in a very high degree; and one would be inclined to believe he thought so, because he has put it last in the provision he has made for these claims.

I readily admit this debt to stand the fairest of the whole; for whatever may be my suspicions concerning a part of it, I can convict it of nothing worse than the most enormous usury. But I can convict upon the spot the right hon. gentleman, of the most daring misrepresentation in every one fact, without any exception, that he has alleged in defence of this loan, and of his own conduct with regard to it. I will shew you that this debt was never contracted with the knowledge of the Company; that it had not their approbation; that they received the first intelligence of it with the utmost possible surprise, indignation, and alarm.

So far from being previously apprized of the transaction from its origin, it was two years before the court of directors obtained any official intelligence of it. "The dealings of the servants with the nabob were concealed from the first, until they were found out," (says Mr. Sayer, the Company's counsel) "by the report of the country." The presidency, however, at last thought proper to send an official account. On this the directors tell them, "to your great reproach it has been concealed from us. We cannot but suspect this debt to have had its weight in your proposed aggrandizement of Mahomed Ali [the nabob of Arcot]; but whether it has or has not, certain it is, you are guilty of a high breach of duty in concealing it from us."

These expressions, concerning the ground of the transaction, its effect, and its clandestine nature, are in the letters, bearing date March 17, 1769. After receiving a more full account on the 23d March, 1770, they state, that "Messrs. John Pybus, John Call, and James Bourchier, as trustees for themselves and others of the nabob's private creditors, had

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proved a deed of assignment upon the nabob and his son of fifteen districts of the nabob's country, the revenues of which yielded, in time of peace, eight lacks of pagodas [320,000*l.* sterling] annually; and likewise an assignment of the yearly tribute paid the nabob from the rajah of Tanjore, amounting to four lacks of rupees [40,000*l.*]." The territorial revenue, at that time possessed by these gentlemen, without the knowledge or consent of their masters, amounted to 360,000*l.* sterling annually. They were making rapid strides to the entire possession of the country, when the directors, whom the right hon. gentleman states as having authorized these proceedings, were kept in such profound ignorance of this royal acquisition of territorial revenue by their servants, that in the same letter they say, "this assignment was obtained by three of the members of your board, in January 1767, yet we do not find the least trace of it upon your consultations, until August 1768, nor do any of your letters to us afford any information relative to such transactions, till the 1st of November 1768. By your last letters of the 8th of May, 1769, you bring the whole proceedings to light in one view."

As to the previous knowledge of the Company, and its sanction to the debts, you see that this assertion of that knowledge is utterly unfounded. But did the directors approve of it, and ratify the transaction when it was known? The very reverse. On the same 3d of March, the directors declare, "upon an impartial examination of the whole conduct of our late governor and council of Fort George (Madras), and on the fullest consideration, that the said governor and council have, in notorious violation of the trust reposed in them, manifestly preferred the interest of private individuals to that of the Company, in permitting the assignment of the revenues of certain valuable districts, to a very large amount, from the nabob to individuals,"—and then highly aggravating their crimes, they add "we order and direct that you do examine, in the most impartial manner, all the above-mentioned transactions; and that you punish by suspension, degradation, dismission, or otherwise, as to you shall seem meet, all and every such servant or servants of the Company, who may by you be found guilty of any of the above offences." "We had (say the directors) the mortification to find that the servants of the Company, who had been raised, supported, and owed their present opulence to the advantages gained in such service, have in this instance most unfaithfully betrayed their trust, abandoned the Company's interest, and prostituted its influence to accomplish the purposes of individuals, whilst the interest of the Company is almost wholly neglected, and payment to us rendered extremely precarious." Here then is the rock of approbation of the court of directors, on which the right hon. gentleman says this debt was founded. Any member, Mr. Speaker, who should come into the House, on my reading this sentence of condemnation of the court of directors against their unfaithful servants, might well imagine that he had heard a harsh, severe, unqualified invective against the present ministerial board of control. So exactly do the proceedings of the patrons of this abuse tally with those of the actors in it, that the expressions used in the condemnation of the one, may serve for the reprobation of the other, without the change of a word.

To read you all the expressions of wrath and indignation fulminated in this dispatch against the meritorious creditors of the right hon. gentleman, who according to him have been so fully approved by the Company, would be to read the whole.

The right hon. gentleman, with an address peculiar to himself, every now and then slides in the presidency of Madras, as synonimous to the Company. That the presidency did approve the debt, is certain. But the right hon. gentleman, as prudent in suppressing, as skilful in bringing forward his matter, has not chosen to tell you that the presidency were the very persons guilty of contracting this loan; creditors themselves, and agents and trustees for all the other creditors. For this the court of directors accuse them of breach of trust; and for this the right hon. gentleman considers them as perfectly good authority for those claims. It is pleasant to hear a gentleman of the law quote the approbation of creditors as an authority for their own debt.

How they came to contract the debt to themselves, how they came to act as agents for those whom they ought to have controlled, is for your inquiry. The policy of this debt was announced to the court of directors, by the very persons concerned in creating it. "Till very lately," (say the presidency) "the nabob

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placed his dependence on the Company. Now he has been taught by ill-advisers, that an interest out of doors may stand him in good stead. He has been made to believe that his private creditors have power and interest to over-rule the court of directors*." The nabob was not misinformed. The private creditors instantly qualified a vast number of votes; and having made themselves masters of the court of proprietors, as well as extending a powerful cabal in other places as important, they so completely overturned the authority of the court of directors at home and abroad, that this poor baffled government was soon obliged to lower its tone. It was glad to be admitted into partnership with its own servants. The court of directors establishing the debt which they had reprobated as a breach of trust, and which was planned for the subversion of their authority, settled its payments on a par with those of the public; and even so, were not able to obtain peace or even equality in their demands. All the consequences lay in a regular and irresistible train. By employing their influence for the recovery of this debt, their orders, issued in the same breath, against creating new debts, only animated the strong desires of their servants to this prohibited prolific sport, and it soon produced a swarm of sons and daughters, not in the least degenerated from the virtue of their parents.

From that moment, the authority of the court of directors expired in the Carnatic, and every where else. "Every man," says the presidency, "who opposes the government and its measures, finds an immediate countenance from the nabob; even our discarded officers, however unworthy, are received into the nabob's service."† It was indeed a matter of no wonderful sagacity to determine whether the court of directors, with their miserable salaries to their servants, of four or five hundred pounds a year, or the distributor of millions, was most likely to be obeyed. It was an invention beyond the imagination of all the speculatists of our speculating age, to see a government quietly settled in one and the same town, composed of two distinct members; one to pay scantily for obedience, and the other to bribe high for rebellion and revolt.

The next thing which recommends this particular debt to the right hon. gentleman is, it seems, the moderate interest of ten per cent. It would be lost labour to observe on this assertion. The nabob, in a long apologetic letter* for the transaction between him and the body of the creditors, states the fact, as I shall state it to you. In the accumulation of this debt, the first interest paid was from 30 to 36 per cent. it was then brought down to 25 per cent. at length it was reduced to 20; and there it found its rest. During the whole process, as often as any of these monstrous interests fell into an arrear, (into which they were continually falling) the arrear, formed into a new capital,† was added to the old, and the same interest of 20 per cent. accrued upon both. The Company, having got some scent of the enormous usury which prevailed at Madras, thought it necessary to interfere, and to order all interests to be lowered to 10 per cent. This order, which contained no exception, though it by no means pointed particularly to this class of debts, came like a thunder-clap on the nabob. He considered his political credit as ruined; but to find a remedy to this unexpected evil, he again added to the old principal 20 per cent. interest accruing

* For the threats of the creditors, and total subversion of the authority of the Company in favour of the nabob's power, and the increase thereby of his evil dispositions, and the great derangement of all public concerns, see select committee Fort St. George's letters, 21st Nov. 1769, and Jan. 31, 1770, Sept. 11, 1772. And governor Bourchier's letters to the nabob of Arcot, 21st Nov. 1769, and Dec. 9, 1769.

† "He (the nabob) is in a great degree the cause of our present inability; by diverting the revenues of the Carnatic through private channels."—"Even this peshcush (the Tanjore tribute), circumstanced as he and we are, he has assigned over to others, who now set themselves in opposition to the Company." Consultations, Oct. 11, 1769, on the 12th communicated to the nabob.

* Nabob's letter to governor Palk. Papers published by the directors in 1775; and papers printed by the same authority, 1781

† See papers printed by order of a general court in 1780, p. 222, and p. 224, as also nabob's letter to governor Dupré, 19th July, 1771, "I have taken up loans by which I have suffered a loss of upwards of a crore of pagodas (four millions sterling) by interest on an heavy interest."—Letter 15th Jan. 1772, "Notwithstanding I have taken much trouble, and have made many payments to my creditors, yet the load of my debt, which became so great, by interest and compound interest, is not cleared."

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for the last year. Thus a new fund was formed; and it was on that accumulation of various principals, and interests heaped upon interests, not on the sum originally lent, as the right hon. gentleman would make you believe, that ten per cent. was settled on the whole.

When you consider the enormity of the interest at which these debts were contracted, and the several interests added to the principal, I believe you will not think me so sceptical, if I should doubt, whether for this debt of 880,000*l.* the nabob ever saw 100,000*l.* in real money. The right hon. gentleman suspecting, with all his absolute dominion over fact, that he never will be able to defend even this venerable patriarchal job, though sanctified by its numerous issue, and hoary with prescriptive years, has recourse to recrimination, the last resource of guilt. He says that this loan of 1767 was provided for in Mr. Fox's India Bill; and judging of others by his own nature and principles, he more than insinuates, that this provision was made, not from any sense of merit in the claim, but from partiality to general Smith, a proprietor, and an agent for that debt. If partiality could have had any weight against justice and policy, with the then ministers and their friends, general Smith had titles to it. But the right hon. gentleman knows as well as I do, that general Smith was very far from looking on himself as partially treated in the arrangements of that time; indeed what man dared to hope for private partiality in that sacred plan for relief to nations?

It is not necessary that the right hon. gentleman should sarcastically call that time to our recollection. Well do I remember every circumstance of that memorable period. God forbid I should forget it. O illustrious disgrace! O victorious defeat! may your memorial be fresh and new to the latest generations! May the day of that generous conflict be stamped in characters never to be cancelled or worn out from the records of time! Let no man hear of us, who shall not hear that in a struggle against the intrigues of courts, and the perfidious levity of the multitude, we fell in the cause of honour, in the cause of our country, in the cause of human nature itself! But if fortune should be as powerful over fame, as she has been prevalent over virtue, at least our conscience is beyond her jurisdiction. My poor share in the support of that great measure, no man shall ravish from me. It shall be safely lodged in the the sanctuary of my heart; never, never to be torn from thence, but with those holds that grapple it to life. I say, I well remember that Bill, and every one of its honest and its wise provisions. It is not true that this debt was ever protected or enforced, or any revenne whatsoever set apart for it. It was left in that Bill just where it stood; to be paid or not to be paid out of the nabob's private treasures, according to his own discretion. The Company had actually given it their sanction; though always relying for its validity on the sole security of the faith of him, [the nabob of Arcot,] who without their knowledge or consent entered into the original obligation. It had no other sanction; it ought to have had no other. So far was Mr. Fox's Bill from providing funds for it, as this ministry have wickedly done for this, and for ten times worse transactions, out of the public estate, that an express clause immediately preceded, positively forbidding any British subject from receiving assignments upon any part of the territorial revenue, on any pretence whatsoever.*

You recollect, Mr. Speaker, that the Chancellor of the Exchequer strongly professed to retain every part of Mr. Fox's Bill, which was intended to prevent abuse; but in his India Bill, which (let me do justice) is as able and skilful a performance for its own purposes, as ever issued from the wit of man, premeditating this iniquity—*hoc ipsum ut strueret Trojamque aperiret Achivis*, expunged this essential clause, broke down the fence which was raised to cover the public property against the rapacity of his partisans, and thus leveling every obstruction, he made a firm, broad, highway for sin and death, for

* "And be it further enacted by the authority aforesaid, that the nabob of Arcot, the rajah of Tanjore, or any other native protected prince in India, shall not assign, mortgage, or pledge any territory or land whatsoever, or the produce or revenue thereof, to any British subject whatsoever; neither shall it be lawful to and for any British subject whatsoever to take or receive any such assignment, mortgage, or pledge; and the same are hereby declared to be null and void; and all payments or deliveries of produce or revenue, under any such assignment, shall and may be recovered back by such native prince paying or delivering the same, from the person or persons receiving the same, or his or their representatives."

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usury and oppression, to renew their ravages throughout the devoted revenues of the Carnatic.

The tenor, the policy, and the consequences of this debt of 1767, are, in the eyes of ministry, so excellent, that its merits are irresistible; and it takes the lead to give credit and countenance to all the rest. Along with this chosen body of heavy-armed infantry, and to support it, in the line, the right hon. gentleman has stationed his corps of black cavalry. If there be any advantage between this debt and that of 1769, according to him the cavalry debt has it. It is not a subject of defence; it is a theme of panegyric. Listen to the right hon. gentleman, and you will find it was contracted to save the country; to prevent mutiny in armies; to introduce economy in revenues; and for all these honourable purposes, it originated at the express desire, and by the representative authority of the Company itself.

First, let me say a word to the authority. This debt was contracted not by the authority of the Company, not by its representatives, (as the right hon. gentleman has the unparalleled confidence to assert) but in the ever-memorable period of 1777, by the usurped power of those who rebelliously, in conjunction with the nabob of Arcot, had overturned the lawful government of Madras. For that rebellion, this House unanimously directed a public prosecution. The delinquents, after they had subverted government, in order to make to themselves a party to support them in their power, are universally known to have dealt jobs about to the right and to the left, and to any who were willing to receive them. This usurpation, which the right hon. gentleman well knows, was brought about by and for the great mass of these pretended debts, is the authority which is set up by him to represent the Company; to represent that Company which from the first moment of their hearing of this corrupt and fraudulent transaction, to this hour, have uniformly disowned and disavowed it.

So much for the authority. As to the facts, partly true, and partly colourable, as they stand recorded, they are in substance these:—The nabob of Arcot, as soon as he had thrown off the superiority of this country by means of these creditors, kept up a great army which he never paid. Of course, his soldiers were generally in a state of mutiny. The usurping council say, that they laboured hard with their master the nabob, to persuade him to reduce these mutinous and useless troops. He consented; but as usual, pleaded inability to pay them their arrears. Here was a difficulty. The nabob had no money; the Company had no money; every public supply was empty. But there was one resource which no season has ever yet dried up in that climate. The soucars were at hand; that is, private English money-jobbers offered their assistance. Messieurs Taylor, Majendie, and Call, proposed to advance the small sum of 160,000*l.* to pay off the nabob's black cavalry, provided the Company's authority was given for their loan. This was the great point of policy always aimed at, and pursued through a hundred devices by the servants at Madras. The presidency, who themselves had no authority for the functions they presumed to exercise, very readily gave the sanction of the Company to those servants who knew that the Company, whose sanction was demanded, had positively prohibited all such transactions.

However, so far as the reality of the dealing goes, all is hitherto fair and plausible; and here the right hon. gentleman concludes, with commendable prudence, his account of the business. But here it is I shall beg leave to commence my supplement: for the gentleman's discreet modesty has led him to cut the thread of the story somewhat abruptly. One of the most essential parties is quite forgotten. Why should the episode of the poor nabob be omitted? When that prince chooses it, nobody can tell his story better. Excuse me, if I apply again to my book, and give it you from the first hand; from the nabob himself.

"Mr. Stratton became acquainted with this, and got Mr. Taylor and others to lend me four lacks of pagodas towards discharging the arrears of pay of my troops. Upon this, I wrote a letter of thanks to Mr. Stratton; and upon the faith of this money being paid immediately, I ordered many of my troops to be discharged by a certain day, and lessened the number of my servants. Mr. Taylor, &c. some time after acquainted me, that they had no ready money, but they would grant teeps payable in four months. This astonished me; for I did not know what might happen, when the sepoys were dismissed from my service. I begged of Mr. Taylor and the others to pay this sum to the officers of my regiments at the

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time they mentioned; and desired the officers, at the same time, to pacify and persuade the men belonging to them, that their pay would be given to them at the end of four months; and that till those arrears were discharged, their pay should be continued to them. Two years are nearly expired since that time, but Mr. Taylor has not yet entirely discharged the arrears of those troops, and I am obliged to continue their pay from that time till this. I hoped to have been able, by this expedient, to have lessened the number of my troops, and discharged the arrears due to them, considering the trifle of interest to Mr. Taylor, and the others, as no great matter; but instead of this, I am oppressed with the burthen of pay due to those troops; and the interest, which is going on to Mr. Taylor from the day the teeps were granted to him." What I have read to you is an extract of a letter from the nabob of the Carnatic to governor Rumbold, dated the 22nd, and received the 24th of March, 1779.

Suppose his highness not to be well broken in to things of this kind, it must indeed surprise so known and established a bond-vender, as the nabob of Arcot, one who keeps himself the largest bond-warehouse in the world, to find that he was now to receive in kind; not to take money for his obligations, but to give his bond in exchange for the bond of Messrs. Taylor, Majendie, and Call, and to pay besides, a good smart interest, legally 12 per cent. (in reality perhaps 20, or 24 per cent.) for this exchange of paper. But his troops were not to be so paid, or so disbanded. They wanted bread, and could not live by cutting and shuffling of bonds. The nabob still kept the troops in service, and was obliged to continue, as you have seen, the whole expense, to exonerate himself from which he became indebted to the soucars.

Had it stood here, the transaction would have been of the most audacious strain of fraud and usury, perhaps ever before discovered, whatever might have been practised and concealed. But the same authority (I mean the nabob's) brings before you something if possible more striking. He states, that for this their paper, he immediately handed over to these gentlemen something very different from paper; that is, the receipt of a territorial revenue, of which it seems they continued as long in possession as the nabob himself continued in possession of any thing. Their payments, therefore, not being to commence before the end of four months, and not being completed in two years, it must be presumed (unless they proved the contrary) that their payments to the nabob were made out of the revenues they had received from his assignment. Thus they condescended to accumulate a debt of 160,000*l.* with an interest of 12 per cent. in compensation for a lingering payment to the nabob of 160,000*l.* of his own money.

Still we have not the whole: about two years after the assignment of those territorial revenues to these gentlemen, the nabob receives a remonstrance from his chief manager, in a principal province, of which this is the tenour—"The entire revenue of those districts is by your highness's order set apart to discharge the tuncaws (assignments) granted to the Europeans. The gomastahs (agents) of Mr. Taylor, to Mr. De Fries, are there in order to collect those tuncaws; and as they receive all the revenue that is collected, your highness's troops have seven or eight months pay due, which they cannot receive, and are thereby reduced to the greatest distress. In such times, it is highly necessary to provide for the sustenance of the troops, that they may be ready to exert themselves in the service of your highness."

Here, Sir, you see how these causes and effects act upon one another. One body of troops mutinies for want of pay; a debt is contracted to pay them; and they still remain unpaid. A territory destined to pay other troops, is assigned for this debt; and these other troops fall into the same state of indigence and mutiny with the first. Bond is paid by bond; arrear is turned into new arrear; usury engenders new usury; mutiny suspended in one quarter, starts up in another; until all the revenues, and all the establishments are entangled into one inextricable knot of confusion, from which they are only disengaged by being entirely destroyed. In that state of confusion, in a very few months after the date of the memorial I have just read to you, things were found, when the nabob's troops, famished to feed English soucars, instead of defending the country, joined the invaders, and deserted in entire bodies to Hyder Ali.

The manner in which this transaction was carried on, shews that good examples are not easily forgot, especially by those

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who are bred in a great school. One of those splendid examples give me leave to mention, at a somewhat more early period, because one fraud furnishes light to the discovery of another, and so on, until the whole secret of mysterious iniquity bursts upon you in a blaze of detection. The paper I shall read you, is not on record. If you please you may take it on my word. It is a letter written from one of undoubted information in Madras, to sir John Clavering, describing the practice that prevailed there, whilst the Company's allies were under sale, during the time of governor Winch's administration.

"—— One mode," says Clavering's correspondent, "of amassing money at the nabob's cost is curious. He is generally in arrears to the Company. Here the governor, being cash-keeper, is generally on good terms with the banker, who manages matters thus: the governor presses the nabob for the balance due from him; the nabob flies to his banker for relief; the banker engages to pay the money, and grants his notes accordingly, which he puts in the cash-book as ready money; the nabob pays him an interest for it at 2 and 3 per cent. per mensem, till the tuncaws he grants on the particular districts for it are paid. Matters in the mean time are so managed, that there is no call for this money for the Company's service, till the tuncaws become due. By this means not a cash is advanced by the banker, though he receives a heavy interest from the nabob, which is divided as lawful spoil."

Here, Mr. Speaker, you have the whole art and mystery, the true free-mason secret of the profession of soucaring; by which a few innocent, inexperienced young Englishmen, such as Mr. Paul Benfield, for instance, without property upon which any one would lend to themselves a single shilling, are enabled at once to take provinces in mortgage, to make princes their debtors, and to become creditors for millions.

But it seems the right hon. gentleman's favourite soucar cavalry, have proved the payment before the mayor's court at Madras! Have they so? Why then defraud our anxiety and their characters of that proof? Is it not enough that the charges which I have laid before you, have stood on record against these poor injured gentlemen for eight years? Is it not enough that they are in print by the orders of the East India Company for five years? After these gentlemen have borne all the odium of this publication, and all the indignation of the directors, with such unexampled equanimity, now that they are at length stimulated into feeling, are you to deny them their just relief? But will the right hon. gentleman be pleased to tell us, how they came not to give this satisfaction to the court of directors, their lawful masters, during all the eight years of this litigated claim? Were they not bound, by every tie that can bind man, to give them this satisfaction? This day, for the first time, we hear of the proofs. But when were these proofs offered? In what cause? Who were the parties? Who inspected? Who contested this belated account? Let us see something to oppose to the body of record which appears against them. The mayor's court! the mayor's court! Pleasant! Does not the right hon. gentleman know, that the first corps of creditors (the creditors of 1767) stated it as a sort of hardship to them, that they could not have justice at Madras, from the impossibility of their supporting their claims in the mayor's court? Why? because, say they, the members of that court were themselves creditors, and therefore could not sit as judges.* Are we ripe to say that no creditor under similar circumstances was member of the court, when the payment which is the ground of this cavalry debt was put in proof?† Nay, are we not in a manner compelled to conclude, that the court was so constituted, when we know there is scarcely a man in Madras, who has not some participation in these transactions? It is a shame to hear such proofs mentioned, instead of the honest vigorous scrutiny which the circumstances of such an affair so indispensably calls for.

But his Majesty's ministers, indulgent enough to other scrutinies, have not been

* Memorial from the creditors to the governor and council, 22nd Jan. 1770.

† In the year 1773, Mr. James Call, one of the proprietors of this specific debt, was actually mayor. The only proof which appeared on the inquiry instituted in the general court of 1781, was an affidavit of the lenders themselves, deposing (what nobody ever denied) that they had engaged and agreed to pay — not that they had paid the sum of 160,000*l.* This was two years after the transaction; and the affidavit is made before George Proctor, mayor, an attorney for certain of the old creditors. Proceedings of the president and council of Fort St. George, 22nd Feb. 1779.

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satisfied with authorizing the payment of this demand without such inquiry as the Act has prescribed; but they have added the arrear of 12 per cent. interest, from the year 1777 to the year 1784, to make a new capital, raising thereby 160 to 294,000*l.* Then they charge a new 12 per cent. on the whole from that period, for a transaction, in which it will be a miracle if a single penny will be ever found really advanced from the private stock of the pretended creditors.

In this manner, and at such an interest, the ministers have thought proper to dispose of 294,000*l.* of the public revenues, for what is called the Cavalry Loan. After dispatching this, the right hon. gentleman leads to battle his last grand division, the Consolidated debt of 1777. But having exhausted all his panegyric on the two first, he has nothing at all to say in favour of the last. On the contrary, he admits that it was contracted in defiance of the Company's orders, without even the pretended sanction of any pretended representatives. Nobody, indeed, has yet been found hardy enough to stand forth avowedly in its defence. But it is little to the credit of the age, that what has not plausibility enough to find an advocate, has influence enough to obtain a protector. Could any man expect to find that protector any where? But what must every man think, when he finds that protector in the chairman of the committee of secrecy (Mr. Dundas), who had published to the House, and to the world, the facts that condemn these debts —the orders that forbid the incurring of them—the dreadful consequences which attended them. Even in his official letter, when he tramples on his parliamentary report, yet his general language is the same. Read the preface to this part of the ministerial arrangement, and you would imagine that this debt was to be crushed, with all the weight of indignation which could fall from a vigilant guardian of the public treasury, upon those who attempted to rob it. What must be felt by every man who has feeling, when, after such a thundering preamble of condemnation, this debt is ordered to be paid without any sort of inquiry into its authenticity? without a single step taken to settle even the amount of the demand? without an attempt so much as to ascertain the real persons claiming a sum, which rises in the accounts from 1,300,000*l.* sterling to 2,400,000*l.* principal money? without an attempt made to ascertain the proprietors, of whom no list has ever yet been laid before the court of directors; of proprietors who are known to be in a collusive shuffle, by which they never appear to be the same in any two lists, handed about for their own particular purposes?

My right hon. friend who made you the motion, has sufficiently exposed the nature of this debt. He has stated to you that its own agents in the year 1781, in the arrangement they proposed to make at Calcutta, were satisfied to have 25 per cent. at once struck off from the capital of a great part of this debt; and prayed to have a provision made for this reduced principal, without any interest at all. This was an arrangement of their own, an arrangement made by those who best knew the true constitution of their own debt; who knew how little favour it merited,* and how little hopes they had to find any persons in authority abandoned enough to support it as it stood.

But what corrupt men, in the fond imaginations of a sanguine avarice, had not the confidence to propose, they have found a chancellor of the exchequer in England hardy enough to undertake for them. He has cheered their drooping spirits. He has thanked the peculators for not despairing of their commonwealth. He has told them they were too modest. He has replaced the 25 per cent. which, in order to lighten themselves, they had abandoned in their conscious terror. Instead of cutting off the interest, as they had themselves consented to do, with the fourth of the capital, he has added the whole growth of four years usury of 12 per cent. to the first overgrown principal; and has again grafted on this meliorated stock a perpetual annuity of 6 per cent. to take place from the year 1781. Let no man hereafter talk of the decaying energies of na-

* "No sense of the common danger, in case of a war, can prevail on him" (the nabob of Arcot) "to furnish the Company with what is absolutely necessary to assemble an army, though it is beyond a doubt, that money to a large amount is now hoarded up in his coffers at Chepauk; and tuncaws are granted to individuals, upon some of his most valuable countries, for payment of part of those debts which he has contracted, and which certainly will not bear inspection, as neither debtors nor creditors have ever had the confidence to submit the accounts to our examination, though they expressed a wish to consolidate the debts under the auspices of this government, agreeably to a plan they had formed." Madras Consultations, 20th July, 1778.

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ture. All the acts and monuments in the records of peculation; the consolidated corruption of ages; the patterns of exemplary plunder in the heroic times of Roman iniquity, never equalled the gigantic corruption of this single act. Never did Nero, in all the insolent prodigality of despotism, deal out to his prætorian guards a donation fit to be named with the largess showered down by the bounty of our Chancellor of the Exchequer on the faithful band of his Indian sepoys.

The right hon. gentleman (Mr. Dundas) lets you freely and voluntarily into the whole transaction. So perfectly has his conduct confounded his understanding, that he fairly tells you, that through the course of the whole business he has never conferred with any but the agents of the pretended creditors. After this, do you want more to establish a secret understanding with the parties? to fix, beyond a doubt, their collusion and participation in a common fraud? If this were not enough, he has furnished you with other presumptions that are not to be shaken. It is one of the known indications of guilt to stagger and prevaricate in a story; and to vary in the motives that are assigned to conduct. Try these ministers by this rule. In their official dispatch, they tell the presidency of Madras, that they have established the debt for two reasons; first, because the nabob (the party indebted) does not dispute it; secondly, because it is mischievous to keep it longer afloat; and that the payment of the European creditors will promote circulation in the country. These two motives (for the plainest reasons in the world) the right hon. gentleman has this day thought fit totally to abandon. In the first place, he rejects the authority of the nabob of Arcot. It would indeed be pleasant to see him adhere to this exploded testimony. He next, upon grounds equally solid, abandons the benefits of that circulation, which was to be produced by drawing out all the juices of the body. Laying aside, or forgetting these pretences of his dispatch, he has just now assumed a principle totally different, but to the full as extraordinary. He proceeds upon a supposition, that many of the claims may be fictitious. He then finds, that in a case where many valid and many fraudulent claims are blended together, the best course for their discrimination is indiscriminately to establish them all. He trusts (I suppose), as there may not be a fund sufficient for every description of creditors, that the best warranted claimants will exert themselves in bringing to light those debts which will not bear an inquiry. What he will not do himself, he is persuaded will be done by others; and for this purpose he leaves to any person a general power of excepting to the debt. This total change of language and prevarication in principle, is enough, if it stood alone, to fix the presumption of unfair dealing. His dispatch assigns motives of policy, concord, trade, and circulation. His speech proclaims discord and litigations; and proposes, as the ultimate end, detection.

But he may shift his reasons, and wind, and turn as he will, confusion waits him at all his doubles. Who will undertake this detection? Will the nabob? But the right hon. gentleman has himself this moment told us, that no prince of the country can by any motive be prevailed upon to discover any fraud that is practised upon him by the Company's servants. He says what (with the exception of the complaint against the cavalryloan) all the world knows to be true: and without that prince's concurrence, what evidence can be had of the fraud of any the smallest of these demands? The minister never authorized any person to enter into his exchequer, and to search his records. Why then this shameful and insulting mockery of a pretended contest? Already contests for a preference have arisen among these rival bond creditors. Has not the Company itself struggled for a preference for years, without any attempt at detection of the nature of those debts with which they contended? Well is the nabob of Arcot attended to in the only specific complaint he has ever made. He complained of unfair dealing in the cavalry loan. It is fixed upon him with interest on interest; and this loan is excepted from all power of litigation.

This day, and not before, the right hon. gentleman thinks that the general establishment of all claims is the surest way of laying open the fraud of some of them. In India this is a reach of deep policy. But what would be thought of this mode of acting on a demand upon the treasury in England? Instead of all this cunning, is there not one plain way open, that is, to put the burthen of the proof on those who make the demand? Ought not ministry to have said to the creditors, "The person who admits your debt stands ex-

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cepted to as evidence; he stands charged as a collusive party, to hand over the public revenues to you for sinister purposes? You say, you have a demand of some millions on the Indian treasury; prove that you have acted by lawful authority; prove at least that your money has been *bonâ fide* advanced; entitle yourself to my protection, by the fairness and fulness of the communications you make." Did an honest creditor ever refuse that reasonable and honest test?

There is little doubt, that several individuals have been seduced by the purveyors to the nabob of Arcot, to put their money (perhaps the whole of honest and laborious earnings) into their hands, and that at such high interest, as, being condemned at law, leaves them at the mercy of the great managers whom they trusted. These seduced creditors are probably persons of no power or interest either in England or India, and may be just objects of compassion. By taking, in this arrangement, no measures for discrimination and discovery, the fraudulent and the fair are in the first instance confounded in one mass. The subsequent selection and distribution is left to the nabob. With him the agents and instruments of his corruption, whom he sees to be ominipotent in England, and who may serve him in future, as they have done in times past, will have precedence, if not an exclusive preference. These leading interests domineer, and have always domineered, over the whole. By this arrangement, the persons seduced are made dependent on their seducers; honesty (comparative honesty at least) must become of the party of fraud, and must quit its proper character, and its just claims, to entitle itself to the alms of bribery and peculation.

But be these English creditors what they may, the creditors, most certainly not fraudulent, are the natives, who are numerous and wretched indeed: by exhausting the whole revenues of the Carnatic, nothing is left for them. They lent *bonâ fide;* in all probability they were even forced to lend, or to give goods and service for the nabob's obligations. They had no trusts to carry to his market. They had no faith of alliances to sell. They had no nations to betray to robbery and ruin. They had no lawful government seditiously to overturn; nor had they a governor [lord Pigot] to whom it is owing that you exist in India, to deliver over to captivity, and to death, in a shameful prison.

These were the merits of the principal part of the debt of 1777, and the universally conceived causes of its growth; and thus the unhappy natives are deprived of every hope of payment for their real debts, to make provision for the arrears of unsatisfied bribery and treason. You see in this instance, that the presumption of guilt is not only no exception to the demands on the public treasury; but with these ministers it is a necessary condition to their support. But that you may not think this preference solely owing to their known contempt of the natives, who ought with every generous mind to claim their first charities; you will find the same rule religiously observed with Europeans too. Attend, Sir, to this decisive case. Since the beginning of the war, besides arrears of every kind, a bond debt has been contracted at Madras, uncertain in its amount, but represented from 400,000*l.* to a million sterling. It stands only at the low interest of 8 per cent. Of the legal authority on which this debt was contracted, of its purposes for the very being of the state, of its publicity and fairness, no doubt has been entertained for a moment. For this debt, no sort of provision whatever has been made. It is rejected as an outcast, whilst the whole undissipated attention of the minister has been employed for the discharge of claims entitled to his favour by the merits we have seen.

I have endeavoured to find out, if possible, the amount of the whole of those demands, in order to see how much, supposing the country in a condition to furnish the fund, may remain to satisfy the public debt and the necessary establishments. But I have been foiled in my attempt. About one-fourth, that is about 220,000*l.* of the loan of 1767, remains unpaid. How much interest is in arrear, I could never discover; seven or eight years at least, which would make the whole of that debt about 396,000*l.* This stock, which the ministers in their instructions to the governor of Madras state as the least exceptionable, they have thought proper to distinguish by a marked severity, leaving it the only one, on which the interest is not added to the principal, to beget a new interest.

The cavalry loan, by the operation of the same authority, is made up to 294,000*l.* and this 294,000*l.* made up of principal and interest, is crowned with a new interest of twelve per cent. What the grand

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loan, the bribery loan of 1777, may be, is amongst the deepest mysteries of state. It is probably the first debt ever assuming the title of consolidation, that did not express what the amount of the sum consolidated was. It is little less than a contradiction in terms. In the debt of the year 1767, the sum was stated in the act of consolidation, and made to amount to 880,000*l.* capital. When this consolidation of 1777 was first announced at the Durbar, it was represented authentically at 2,400,000*l.* In that, or rather in a higher state, sir Thomas Rumbold found and condemned it*. It afterwards fell into such a terror, as to sweat away a million of its weight at once; and it sunk to 1,400,000*l.*† However it never was without a resource for recruiting it to its old plumpness. There was a sort of floating debt of about 4 or 500,000*l.* more ready to be added, as occasion should require.

In short, when you pressed this sensitive plaint, it always contracted its dimensions. When the rude hand of inquiry was withdrawn, it expanded in all the luxuriant vigour of its original vegetation. In the treaty of 1781, the whole of the nabob's debt to private Europeans is by Mr. Sullivan, agent to the nabob and his creditors, stated at 2,800,000*l.* which (if the cavalry loan, and the remains of the debt of 1767, be subtracted) leaves it nearly at the amount originally declared at the Durbar, in 1777. But then there is a private instruction to Mr. Sullivan, which it seems will reduce it again to the lower standard of 1,400,000*l.* Failing in all my attempts, by a direct account, to ascertain the extent of the capital claimed (where in all probability no capital was ever advanced,) I endeavoured, if possible, to discover it by the interest which was to be paid. For that purpose, I looked to the several agreements for assigning the territories of the Carnatic to secure the principal and interest of this debt. In one of them* I found in a sort of postscript, by way of an additional remark, (not in the body of the obligation) the debt represented at 1,400,000*l.* But when I computed the sums to be paid for interest by instalments in another paper, I found they produced an interest of two millions, at 12 per cent. and the assignment supposed, that if these instalments might exceed, they might also fall short of the real provision for that interest.

Another instalment bond was afterwards granted. In that bond the interest exactly tallies with a capital of 1,400,000*l.* But pursuing this capital through the correspondence, I lost sight of it again, and it was asserted that this instalment bond was considerably short of the interest that ought to be computed to the time mentioned. Here are, therefore, two statements of equal authority, differing at least a million from each other; and as neither persons claiming, nor any special sum as belonging to each particular claimant, is ascertained in the instruments of consolidation, or in the instalment bonds, a large scope was left to throw in any sums for any persons, as their merits in advancing the interest of that loan might require; a power was also left for reduction, in case a harder hand, or more scanty funds, might be found to require it. Stronger grounds for a presumption of fraud never appeared in any transaction. But the ministers, faithful to the plan of the interested persons, whom alone they thought

* In sir Thomas Rumbold's letter to the court of directors, March 15, 1778, he represents it as higher, in the following manner:—"How shall I paint to you my astonishment on my arrival here, when I was informed that, independent of this four lacks of pagodas (the cavalry loan), independent of the nabob's debt to his old creditors, and the money due to the Company, he had contracted a debt to the enormous amount of 63 lacks of pagodas (2,520,000*l.*) I mention this circumstance to you with horror; for the creditors being in general servants of the Company, renders my task on the part of the Company, difficult and invidious."—"I have freed the sanction of this government from so corrupt a transaction. It is in my mind the most venal of all proceedings, to give the Company's protection to debts that cannot bear the light; and though it appears exceedingly alarming, that a country, on which you are to depend for resources, should be so involved, as to be nearly three years revenue in debt: in a country too, where one year's revenue can never be called secure, by men who know any thing of the politics of this part of India."—"I think it proper to mention to you, that although the nabob reports his private debt to amount to upwards of 60 lacks, yet I understand that it is not quite so much." Afterwards Sir T. Rumbold recommended this debt to the favourable attention of the Company, but without any sufficient reason for his change of disposition. However he went no further.

† Nabob's proposals, Nov. 25, 1778; and memorial of the creditors, March 1, 1779.

* Nabob's proposals to his new consolidated creditors, Nov. 25, 1778.

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fit to confer with on this occasion, have ordered the payment of the whole mass of these unknown unliquidated sums, without an attempt to ascertain them. On this conduct, Sir, I leave you to make your own reflections.

It is impossible (at least I have found it impossible) to fix on the real amount of the pretended debts with which your ministers have thought proper to load the Carnatic. They are obscure; they shun inquiry; they are enormous. That is all you know of them. That you may judge what chance any honourable and useful end of government has for a provision that comes in for the leavings of these gluttonous demands, I must take it on myself to bring before you the real condition of that abused, insulted, racked, and ruined country; though in truth my mind revolts from it; though you will hear it with horror; and I confess I tremble when I think on these awful and confounding dispensations of Providence. I shall first trouble you with a few words as to the cause.

The great fortunes made in India in the beginnings of conquest, naturally excited an emulation in all the parts, and through the whole succession of the Company's service. But in the Company it gave rise to other sentiments. They did not find the new channels of acquisition flow with equal riches to them. On the contrary, the high flood-tide of private emolument was generally in the lowest ebb of their affairs. They began also to fear, that the fortune of war might take away what the fortune of war had given. Wars were accordingly discouraged by repeated injunctions and menaces; and that the servants might not be bribed into them by the native princes, they were strictly forbidden to take any money whatsoever from their hands. But vehement passion is ingenious in resources. The Company's servants were not only stimulated, but better instructed by the prohibition. They soon fell upon a contrivance which answered their purposes far better than the methods which were forbidden; though in this also they violated an ancient, but they thought, an abrogated order. They reversed their proceedings. Instead of receiving presents, they made loans. Instead of carrying on wars in their own name, they contrived an authority, at once irresistible and irresponsible, in whose name they might ravage at pleasure; and being thus freed from all restraint, they indulged themselves in the most extravagant speculations of plunder. The cabal of creditors who have been the object of the late bountiful grant from his Majesty's ministers, in order to possess themselves, under the name of creditors and assignees, of every country in India, as fast as it should be conquered, inspired into the mind of the nabob of Arcot (then a dependant on the Company of the humblest order) a scheme of the most wild and desperate ambition that I believe ever was admitted into the thoughts of a man so situated. First, they persuaded him to consider himself as a principal member in the political system of Europe. In the next place they held out to him, and he readily imbibed, the idea of the general empire of Indostan. As a preliminary to this undertaking, they prevailed on him to propose a tripartite division of that vast country. One part to the Company; another to the Mahrattas; and the third to himself. To himself he reserved all the southern part of the great peninsula, comprehended under the general name of the Decan.

On this scheme of their servants, the Company was to appear in the Carnatic in no other light than as a contractor for the provision of armies, and the hire of mercenaries for his use, and under his direction. This disposition was to be secured by the nabob's putting himself under the guarantee of France; and by the means of that rival nation, preventing the English for ever from assuming an equality, much less a superiority in the Carnatic. In pursuance of this treasonable project (treasonable on the part of the English) they extinguished the Company as a sovereign power in that part of India; they withdrew the Company's garrisons out of all the forts and strong holds of the Carnatic; they declined to receive the ambassadors from foreign courts, and remitted them to the nabob of Arcot; they fell upon, and totally destroyed the oldest ally of the Company, the king of Tanjore, and plundered the country to the amount of near five millions sterling; one after another, in the nabob's name, but with English force, they brought into a miserable servitude all the princes, and great independent nobility of a vast country.*

* "The principal object of the expedition is to get money from Tanjore to pay the nabob's debt: if a surplus, to be applied in discharge of the nabob's debts to his private creditors." Consultations, March 20, 1771;

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In proportion to these treasons and violences, which ruined the people, the fund of the nabob's debt grew and flourished.

Among the victims to this magnificent plan of universal plunder, worthy of the heroic avarice of the projectors, you have all heard (and he has made himself to be well remembered) of an Indian chief called Hyder Ali Khan. This man possessed the western, as the Company under the name of the nabob of Arcot does the eastern, division of the Carnatic. It was among the leading measures in the design of this cabal (according to their own emphatic language) to extirpate this Hyder Ali.* They declared the nabob of Arcot to be his sovereign, and himself to be a rebel, and publicly invested their instrument with the sovereignty of the kingdom of Mysore. But their victim was not of the passive kind. They were soon obliged to conclude a treaty of peace and close alliance with this rebel, at the gates of Madras. Both before and since this treaty, every principle of policy pointed out this power as a natural alliance; and on his part, it was courted by every sort of amicable office. But the cabinet council of English creditors would not suffer their nabob of Arcot to sign the treaty, nor even to give to a prince, at least his equal, the ordinary titles of respect and courtesy.† From that time forward, a continued plot was carried on within the divan, black and white, of the nabob of Arcot, for the destruction of Hyder Ali. As to the outward members of the double, or rather treble government of Madras, which had signed the treaty, they were always prevented by some over-ruling influence (which they do not describe, but which cannot be misunderstood,) from performing what justice and interest combined so evidently to enforce.

When at length Hyder Ali found that he had to do with men who either would sign no convention, or whom no treaty, and no signature could bind, and who were the determined enemies of human intercourse itself, he decreed to make the country possessed by these incorrigible and predestinated criminals a memorable example to mankind. He resolved, in the gloomy recesses of a mind capacious of such things, to leave the whole Carnatic an everlasting monument of vengeance, and to put perpetual desolation as a barrier between him and those, against whom the faith which holds the moral elements of the world together, was no protection. He became at length so confident of his force, so collected in his might, that he made no secret whatsoever of his dreadful resolution. Having terminated his his disputes with every enemy, and every rival, who buried their mutual animosities in their common detestation against the creditors of the nabob of Arcot, he drew from every quarter whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation, into one black cloud, he hung for a while on the declivities of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which blackened all their horizon, it suddenly burst, and poured down the whole of its contents upon the plains of the Carnatic—Then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of, were mercy to that new havoc. A storm of universal fire blasted every field, consumed every house, destroyed every temple. The miserable inhabitants flying from their flaming villages, in part were slaughtered; others, without regard to sex, to age, to the respect of rank, or sacredness of function, fathers torn from children, husbands from wives, enveloped in a whirlwind of cavalry, and amidst the goading spears of drivers, and the trampling of pursuing horses, were swept into captivity, in an unknown and hostile land. Those who were able to evade this tempest, fled to the walled cities. But escaping from fire, sword, and exile, they fell into the jaws of famine.

The alms of the settlement, in this dreadful exigency, were certainly liberal; and all was done by charity that private charity could do; but it was a people in beggary; it was a nation which stretched out its hands for food. For months toge-

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and for further lights, Consultations, 12th June, 1771. "We are alarmed, lest this debt to individuals should have been the real motive for the aggrandizement of Mahomed Ali (the nabob of Arcot), and that we are plunged into a war to put him in possession of the Mysore revenues for the discharge of the debt." Letter from the directors, March 17, 1769.

* Letter from the nabob, May 1st, 1768; and ditto, 24th April 1770, 1st October; ditto, 16th Sept. 1772, 16th March, 1773.

† Letter from the presidency at Madras to the court of directors, 27th June, 1769.

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ther these creatures of sufferance, whose very excess and luxury in their most plenteous days, had fallen short of the allowance of our austerest fasts, silent, patient, resigned, without sedition or disturbance, almost without complaint, perished by an hundred a day in the streets of Madras; every day seventy at least laid their bodies in the streets, or on the glacis of Tanjore, and expired of famine in the granary of India. I was going to awake your justice towards this unhappy part of our fellow-citizens, by bringing before you some of the circumstances of this plague of hunger. Of all the calamities which beset and waylay the life of man, this comes the nearest to our heart, and is that wherein the proudest of us all feels himself to be nothing more than he is: but I find myself unable to manage it with decorum; these details are of a species of horror so nauseous and disgusting; they are so degrading to the sufferers and to the hearers; they are so humiliating to human nature itself, that, on better thoughts, I find it more advisable to throw a pall over this hideous object, and to leave it to your general conceptions.

For eighteen months, without intermission, this destruction raged from the gates of Madras to the gates of Tanjore; and so completely did these masters in their art, Hyder Ali, and his more ferocious son, absolve themselves of their impious vow, that when the British armies traversed, as they did, the Carnatic for hundreds of miles in all directions, through the whole line of their march they did not see one man, not one woman, not one child, not one four-footed beast of any description whatever. One dead uniform silence reigned over the whole region. With the inconsiderable exceptions of the narrow vicinage of some few forts—I wish to be understood as speaking literally—I mean to produce to you more than three witnesses, above all exception, who will support this assertion in its full extent. That hurricane of war passed through every part of the central provinces of the Carnatic. Six or seven districts to the north and to the south (and these not wholly untouched) escaped the general ravage.

The Carnatic is a country not much inferior in extent to England. Figure to yourself, Mr. Speaker, the land in whose representative chair you sit; figure to yourself the form and fashion of your sweet and cheerful country from Thames to Trent, north and south, and from the Irish to the German sea east and west, emptied and embowelled (may God avert the omen of our crimes!) by so accomplished a desolation. Extend your imagination a little further, and then suppose your ministers taking a survey of this scene of waste and desolation; what would be your thoughts if you should be informed, that they were computing how much had been the amount of the excises, how much the customs, how much the land and malt tax, in order that they should charge (take it in the most favourable light) for public service, upon the relics of the satiated vengeance of relentless enemies, the whole of what England had yielded in the most exuberant seasons of peace and abundance? What would you call it? To call it tyranny, sublimed into madness, would be too faint an image; yet this very madness is the principle upon which the ministers at your right hand have proceeded in their estimate of the revenues of the Carnatic, when they were providing not supply for the establishments of its protection, but rewards for the authors of its ruin.

Every day you are fatigued and disgusted with this cant, "the Carnatic is a country that will soon recover, and become instantly as prosperous as ever." They think they are talking to innocents, who will believe that by sowing of dragons teeth, men may come up ready grown and ready armed. They who will give themselves the trouble of considering (for it requires no great reach of thought, no very profound knowledge) the manner in which mankind are increased, and countries cultivated, will regard all this raving as it ought to be regarded. In order that the people, after a long period of vexation and plunder, may be in a condition to maintain government, government must begin by maintaining them. Here the road to economy lies not through receipt, but through expense; and in that country nature has given no short cut to your object. Men must propagate, like other animals, by the mouth. Never did oppression light the nuptial torch; never did extortion and usury spread out the genial bed. Does any one of you think that England, so wasted, would, under such a nursing attendance, so rapidly and cheaply recover? But he is meanly acquainted with either England or India, who does not know that England would a thousand times sooner resume population, fertility, and what ought to be the ultimate secre-

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tion from both, revenue, than such a country as the Carnatic.

The Carnatic is not by the bounty of nature a fertile soil. The general size of its cattle is proof enough that it is much otherwise. It is some days since I moved, that a curious and interesting map, kept in the India-house, should be laid before you.* The India-house is not yet in readiness to send it; I have therefore brought down my own copy, and there it lies for the use of any gentleman who may think such a matter worthy of his attention. It is indeed a noble map, and of noble things; but it is decisive against the golden dreams and sanguine speculations of avarice run mad. In addition to what you know must be the case in every part of the world (the necessity of a previous provision of habitation, seed, stock, capital,) that map will shew you, that the uses of the influences of Heaven itself, are in that country a work of art. The Carnatic is refreshed by few or no living brooks or running streams, and it has rain only at a season; but its product of rice exacts the use of water subject to perpetual command. This is the national bank of the Carnatic, on which it must have a perpetual credit, or it perishes irretrievably. For that reason, in the happier times of India, a number, almost incredible, of reservoirs have been made in chosen places throughout the whole country; they are formed for the greater part of mounds of earth and stones, with sluices of solid masonry; the whole constructed with admirable skill and labour, and maintained at a mighty charge. In the territory contained in that map alone, I have been at the trouble of reckoning the reservoirs, and they amount to upwards of eleven hundred, from the extent of two or three acres to five miles in circuit. From these reservoirs currents are occasionally drawn over the fields, and these watercourses again call for a considerable expense to keep them properly scoured and duly levelled. Taking the district in that map as a measure, there cannot be in the Carnatic and Tanjore fewer than ten thousand of these reservoirs of the larger and middling dimensions, to say nothing of those for domestic services, and the use of religious purification. These are not the enterprises of your power, nor in a style of magnificence suited to the taste of your minister. These are the monuments of real kings, who were the fathers of their people; testators to a posterity which they embraced as their own. These are the grand sepulchres built by ambition; but by the ambition of an insatiable benevolence, which, not contented with reigning in the dispensation of happiness during the contracted term of human life, had strained, with all the reachings and graspings of a vivacious mind, to extend the dominion of their bounty beyond the limits of nature, and to perpetuate themselves through generations of generations, the guardians, the protectors, the nourishers of mankind.

Long before the late invasion, the persons who are objects of the grant of public money now before you, had so diverted the supply of the pious funds of culture and population, that every where the reservoirs were fallen into a miserable decay. But after those domestic enemies had provoked the entry of a cruel foreign foe into the country, he did not leave it, until his revenge had completed the destruction begun by their avarice. Few, very few indeed, of these magazines of water that are not either totally destroyed, or cut through with such gaps, as to require a serious attention and much cost to re-establish them, as the means of present subsistence to the people, and of future revenue to the state.

What, Sir, would a virtuous and enlightened ministry do on the view of the ruins of such works before them? On the view of such a chasm of desolation as that which yawned in the midst of those countries to the north and south, which still bore some vestiges of cultivation? They would have reduced all their most necessary establishments; they would have suspended the justest payments; they would have employed every shilling derived from the producing, to re-animate the powers of the unproductive parts. While they were performing this fundamental duty, whilst they were celebrating these mysteries of justice and humanity, they would have told the corps of fictitious creditors, whose crimes were their claims, that they must keep an awful distance; that they must silence their inauspicious tongues; that they must hold off their profane unhallowed paws from this holy work; they would have proclaimed with a voice that should make itself heard, that on every country the first creditor is the plough; that this original, indefeasible claim supersedes every other demand.

This is what a wise and virtuous ministry would have done and said. This, therefore, is what our minister could never

* Mr. Barnard's map of the Jaghire.

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think of saying or doing. A ministry of another kind would have first improved the country, and have thus laid a solid foundation for future opulence and future force. But on this grand point of the restoration of the country, there is not one syllable to be found in the correspondence of our ministers, from the first to the last: they felt nothing for a land desolated by fire, sword, and famine; their sympathies took another direction; they were touched with pity for bribery, so long tormented with a fruitless itching of its palms; their bowels yearned for usury, that had long missed the harvest of its returning months;* they felt for peculation which had been for so many years raking in the dust of an empty treasury; they were melted into compassion for rapine and oppression, licking their dry, parched, unbloody jaws. These were the objects of their solicitude. These were the necessities for which they were studious to provide.

To state the country and its revenues in their real condition, and to provide for those fictitious claims, consistently with the support of an army and a civil establishment, would have been impossible; therefore the ministers are silent on that head, and rest themselves on the authority of lord Macartney, who in a letter to the court of directors, written in the year 1781, speculating on what might be the result of a wise management of the countries assigned by the nabob of Arcot, rates the revenue as in time of peace, at twelve hundred thousand pounds a year, as he does those of the king of Tanjore (which had not been assigned) at four hundred and fifty. On this lord Macartney grounds his calculations, and on this they choose to ground theirs. It was on this calculation that the ministry, in direct opposition to the remonstrances of the court of directors, have compelled that miserable, enslaved body, to put their hands to an order for appropriating the enormous sum of 480,000*l.* annually, as a fund for paying to their rebellious servants a debt contracted in defiance of their clearest and most positive injunctions.

The authority and information of lord Macartney is held high on this occasion, though it is totally rejected in every other particular of this business. I believe I have the honour of being almost as old an acquaintance as any lord Macartney has. A constant and unbroken friendship has subsisted between us from a very early period; and, I trust, he thinks, that as I respect his character, and in general admire his conduct, I am one of those who feel no common interest in his reputation. Yet I do not hesitate wholly to disallow the calculation of 1781, without any apprehension that I shall appear to distrust his veracity or his judgment. This peace estimate of revenue was not grounded on the state of the Carnatic as it then, or as it had recently stood. It was a statement of former and better times. There is no doubt that a period did exist, when the large portion of the Carnatic held by the nabob of Arcot might be fairly reputed to produce a revenue to that, or to a greater amount. But the whole had so melted away by the slow and silent hostility of oppression and mismanagement, that the revenues, sinking with the prosperity of the country, had fallen to about 800,000*l.* a year, even before an enemy's horse had imprinted his hoof on the soil of the Carnatic. From that view, and independently of the decisive effects of the war which ensued, sir Eyre Coote conceived that years must pass before the country could be restored to its former prosperity and production. It was that state of revenue, (namely, the actual state before the war) which the directors have opposed to lord Macartney's speculation. They refused to take the revenues for more than 800,000*l.* In this they are justified by lord Macartney himself, who, in a subsequent letter, informs the court, that his sketch is a matter of speculation; it supposes the country restored to its ancient prosperity, and the revenue to be in a course of effective and honest collection. If therefore the ministers have gone wrong, they were not deceived by lord Macartney: they were deceived by no man. The estimate of the directors is nearly the very estimate furnished by the right hon. gentleman himself, and published to the world in one of the printed reports of his own committee; but as soon as he obtained his power, he chose to abandon his account. No part of his official conduct can be defended on the ground of his parliamentary information.

In this clashing of accounts and estimates, ought not the ministry, if they wished to preserve even appearances, to have waited for information of the actual result of these speculations, before they

* Interest is rated in India by the month.

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laid a charge, and such a charge, not conditionally and eventually, but positively and authoritatively, upon a country which they all knew, and which one of them had registered on the records of this House, to be wasted beyond all example, by every oppression of an abusive government, and every ravage of a desolating war. But that you may discern in what manner they use the correspondence of office, and that thereby you may enter into the true spirit of the ministerial board of control, I desire you, Mr. Speaker, to remark, that through their whole controversy with the court of directors, they do not so much as hint at their ever having seen any other paper from lord Macartney, or any other estimate of revenue, than this of 1781. To this they hold. Here they take post; here they entrench themselves.

When I first read this curious controversy between the ministerial board and the court of directors, common candour obliged me to attribute their tenacious adherence to the estimate of 1781, to a total ignorance of what had appeared upon the records. But the right hon. gentleman has chosen to come forward with an uncalled-for declaration; he boastingly tells you, that he has seen, read, digested, compared every thing; and that if he has sinned, he has sinned with his eyes broad open. Since then the ministers will obstinately shut the gates of mercy on themselves, let them add to their crimes what aggravations they please. They have then (since it must be so) wilfully and corruptly suppressed the information which they ought to have produced; and for the support of peculation, have made themselves guilty of spoliation and suppression of evidence. The paper I hold in my hand, which totally overturns (for the present at least) the estimate of 1781, they have no more taken notice of in their controversy with the court of directors, than if it had no existence. It is the report made by a committee appointed at Madras, to manage the whole of the six countries assigned to the Company by the nabob of Arcot. This committee was wisely instituted by lord Macartney, to remove from himself the suspicion of all improper management in so invidious a trust; and it seems to have been well chosen. This committee has made a comparative estimate of the only six districts which were in a condition to be let to farm. In one set of columns they state the gross and net produce of the districts as let by the nabob. To that statement they oppose the terms on which the same districts were rented for five years, under their authority. Under the nabob, the gross farm was so high as 570,000*l.* sterling. What was the clear produce? Why, no more than about 250,000*l.* and this was the whole profit of the nabob's treasury, under his own management, of all the districts which were in a condition to be let to farm on the 27th of May, 1782. Lord Macartney's leases stipulated a gross produce of no more than about 530,000*l.*, but then the estimated net amount was nearly double the nabob's. It however did not then exceed 480,000*l.*; and lord Macartney's commissioners take credit for an annual revenue amounting to this clear sum. Here is no speculation; here is no inaccurate account clandestinely obtained from those who might wish, and were enabled to deceive. It is the authorized recorded state of a real recent transaction. Here is not 1,200,000*l.*, not 800,000*l.* The whole revenue of the Carnatic yielded no more in May 1782 than 480,000*l.*; nearly the very precise sum which your minister, who is so careful of the public security, has carried from all descriptions of establishment to form a fund for the private emolument of his creatures.

In this estimate, we see, as I have just observed, the nabob's farms rated so high as 570,000*l.* Hitherto all is well; but follow on to the effective net revenue: there the illusion vanishes; and you will not find nearly so much as half the produce. It is with reason therefore lord Macartney invariably throughout the whole correspondence, qualifies all his views and expectations of revenue, and all his plans for its application, with this indispensable condition, that the management is not in the hands of the nabob of Arcot. Should that fatal measure take place, he has over and over again told you, that he has no prospect of realising any thing whatsoever for any public purpose. With these weighty declarations, confirmed by such a state of indisputable fact before them; what has been done by the Chancellor of the Exchequer and his accomplices? Shall I be believed? They have delivered over those very territories, on the keeping of which in the hands of the committee, the defence of our dominions, and what was more dear to them, possibly, their own job, depended: they have delivered back

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again without condition, without arrangement, without stipulation of any sort for the natives of any rank, the whole of those vast countries, to many of which he had no just claim, into the ruinous mismanagement of the nabob of Arcot. To crown all, according to their miserable practice whenever they do any thing transcendently absurd, they preface this their abdication of their trust, by a solemn declaration that they were not obliged to it by any principle of policy, or any demand of justice whatsoever.

I have stated to you the estimated produce of the territories of the Carnatic, in a condition to be farmed in 1782, according to the different managements into which they might fall; and this estimate the ministers have thought proper to suppress. Since that, two other accounts have been received. The first informs us, that there has been a recovery of what is called arrear, as well as of an improvement of the revenue of one of the six provinces which were let in 1782*. It was brought about by making a new war. After some sharp actions, by the resolution and skill of colonel Fullarton, several of the petty princes of the most southerly of the unwasted provinces were compelled to pay very heavy rents and tributes, who for a long time before had not paid any acknowledgment. After this reduction, by the care of Mr. Irwin, one of the committee, that province was divided into twelve farms. This operation raised the income of that particular province; the others remain as they were first farmed. So that instead of producing only their original rent of 480,000*l.* they netted in about two years and a quarter, 1,320,000*l.* sterling, which would be about 660,000*l.* a year, if the recovered arrear was not included. What deduction is to be made on account of that arrear I cannot determine, but certainly what would reduce the annual income considerably below the rate I have allowed. The second account received, is the letting of the wasted provinces of the Carnatic. This I understand is at a growing rent, which may or may not realize what it promises; but if it should answer, it will raise the whole, at some future time, to 1,200,000*l.*

You must here remark, Mr. Speaker, that this revenue is the produce of all the nabob's dominions. During the assignment, the nabob paid nothing, because the Company had all. Supposing the whole of the lately assigned territory to yield up to the most sanguine expectations of the right hon. gentleman; and suppose 1,200,000*l.* to be annually realized (of which we actually know of no more than the realizing of 600,000*l.*) out of this you must deduct the subsidy and rent which the nabob paid before the assignment, namely 340,000*l.* a year. This reduces back the revenue applicable to the new distribution made by his Majesty's ministers, to about 800,000*l.* Of that sum five-eighths are by them surrendered to the debts. The remaining three are the only fund left for all the purposes so magnificently displayed in the letter of the board of control; that is for a new-cast peace establishment; a new fund for ordnance and fortifications; and a large allowance for what they call "the splendour of the Durbar."

You have heard the account of these territories as they stood in 1782. You have seen the actual receipt since the assignment in 1781, of which I reckon about two years and a quarter productive. I have stated to you the expectation from the wasted part. For realising all this you may value yourselves on the vigour and diligence of a governor and committee that have done so much. If these hopes from the committee are rational—remember that the committee is no more. Your ministers, who have formed their fund for these debts on the presumed effect of the committee's management, have put a complete end to that committee. Their acts are rescinded; their leases are broken; their renters are dispersed. Your ministers knew, when they signed the death-warrant of the Carnatic, that the nabob would not only turn all these unfortunate farmers of revenue out of employment, but that he has denounced his severest vengeance against them, for acting under British authority. With a knowledge of this disposition, a British chancellor of the exchequer, and treasurer of the navy, incited by no public advantage, impelled by no public necessity, in a strain of the most wanton perfidy which has ever stained the annals of mankind, have delivered over to plunder, imprisonment, exile, and death itself, according to the mercy of such execrable tyrants as Amir ul Omra and Paul Benfield, the unhappy and deluded souls, who, untaught by uniform example, were still weak enough to put their trust in English faith. They

* The province of Tinnevelly.

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have gone farther; they have thought proper to mock and outrage their misery by ordering them protection and compensation. From what power is this protection to be derived? And from what fund is this compensation to arise? The revenues are delivered over to their oppressor; the territorial jurisdiction, from whence that revenue is to arise, and under which they live, is surrendered to the same iron hands: and that they shall be deprived of all refuge, and all hope, the minister has made a solemn, voluntary declaration, that he never will interfere with the nabob's internal government.

The last thing considered by the board of control among the debts of the Carnatic, was that arising to the East India Company, which, after the provision for the cavalry, and the consolidation of 1777, was to divide the residue of the fund of 480,000*l.* a year with the lenders of 1767. This debt the worthy chairman, who sits opposite to me, contends to be three millions sterling. Lord Macartney's account of 1781, states it to be, at that period, 1,200,000*l.* The first account of the court of directors makes it 900,000*l.* This, like the private debt, being without any solid existence, is incapable of any distinct limits. Whatever its amount or its validity may be, one thing is clear; it is of the nature and quality of a public debt. In that light nothing is provided for it, but an eventual surplus to be divided with one class of the private demands, after satisfying the two first classes. Never was a more shameful postponing a public demand, which by the reason of the thing, and the uniform practice of all nations, supersedes every private claim. Those who gave this preference to private claims, consider the Company's as a lawful demand; else, why did they pretend to provide for it? On their own principles they are condemned.

But I, Sir, who profess to speak to your understanding and to your conscience, and to brush away from this business all false colours, all false appellations, as well as false facts, do positively deny that the Carnatic owes a shilling to the Company; whatever the Company may be indebted to that undone country. It owes nothing to the Company, for this plain and simple reason—the territory charged with the debt is their own. To say that their revenues fall short, and owe them money, is to say they are in debt to themselves, which is only talking nonsense. The fact is, that by the invasion of an enemy, and the ruin of the country, the Company, either in its own name, or in the names of the nabob of Arcot and rajah of Tanjore, has lost for several years what it might have looked to receive from its own estate. If men were allowed to credit themselves upon such principles, any one might soon grow rich by this mode of accounting. A flood comes down upon a man's estate in the Bedford Level of 1,000*l.* a year, and drowns his rents for ten years. The Chancellor would put that man into the hands of a trustee, who would gravely make up his books, and for this loss credit himself in his account for a debt due to him of 10,000*l.* It is, however, on this principle the Company makes up its demands on the Carnatic. In peace they go the full length, and indeed more than the full length, of what the people can bear for current establishments; then they are absurd enough to consolidate all the calamities of war into debts; to metamorphose the devastations of the country into demands upon its future production. What is this but to avow a resolution utterly to destroy their own country, and to force the people to pay for their sufferings, to a government which has proved unable to protect either the share of the husbandman or their own? In every lease of a farm, the invasion of an enemy, instead of forming a demand for arrear, is a release of rent; nor for that release is it at all necessary to show, that the invasion has left nothing to the occupier of the soil; though in the present case it would be too easy to prove that melancholy fact.* I therefore applauded my right hon. friend, who, when he canvassed the Company's accounts, as a preliminary to a bill that ought not to stand on falsehood of any kind, fixed his discerning eye, and his deciding hand, on these debts of the Company, from the nabob of Arcot and rajah of Tanjore, and at one stroke expunged them all, as utterly irrecoverable; he might have added as utterly unfounded. On these grounds I do not blame the arrangement this day in question, as a preference given to the debt of individuals over the Company's debt. In my eye it is no more than the preference of a fiction over a chimera; but I

* "It is certain that the incursion of a few of Hyder's horse into the Jaghire, in 1767, cost the Company upwards of pagodas 27,000, in allowances for damages." Consultations, February 11, 1771.

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blame the preference given to those fictitious private debts over the standing defence and the standing government. It is there the public is robbed. It is robbed in its army; it is robbed in its civil administration; it is robbed in its credit; it is robbed in its investment which forms the commercial connexion between that country and Europe. There is the robbery.

But my principal objection lies a good deal deeper. That debt to the Company is the pretext under which all the other debts lurk and cover themselves. That debt forms the foul putrid mucus, in which are engendered the whole brood of creeping ascarides, all the endless involutions, the eternal knot, added to a knot of those inexpugnable tape-worms which devour the nutriment, and eat up the bowels of India. It is necessary, Sir, you should recollect two things: first, that the nabob's debt to the Company carries no interest. In the next place you will observe, that whenever the Company has occasion to borrow, she has always commanded whatever she thought fit at 8 per cent. Carrying in your mind these two facts, attend to the process with regard to the public and private debt, and with what little appearance of decency they play into each other's hands a game of utter perdition to the unhappy natives of India. The nabob falls into an arrear to the Company. The presidency presses for payment. The nabob's answer is, I have no money. Good. But there are soucars who will supply you on the mortgage of your territories. Then steps forward some Paul Benfield, and from his grateful compassion to the nabob, and his filial regard to the Company, he unlocks the treasures of his virtuous industry; and for a consideration of 24 or 36 per cent. on a mortgage of the territorial revenue, becomes security to the Company for the nabob's arrear.

All this intermediate usury thus becomes sanctified by the ultimate view to the Company's payment. In this case, would not a plain man ask this plain question of the Company; if you know that the nabob must annually mortgage his territories to your servants to pay his annual arrear to you, why is not the assignment or mortgage made directly to the Company itself? By this simple obvious operation, the Company would be relieved and the debt paid, without the charge of a shilling interest to that prince. But if that course should be thought too indulgent, why do they not take that assignment with such interest to themselves as they pay to others, that is 8 per cent.? Or if it were thought more advisable (why it should I know not) that he must borrow, why do not the Company lend their own credit to the nabob for their own payment? That credit would not be weakened by the collateral security of his territorial mortgage. The money might still be had at 8 per cent. Instead of any of these honest and obvious methods, the Company has for years kept up a show of disinterestedness and moderation, by suffering a debt to accumulate to them from the country powers without any interest at all; and at the same time have seen before their eyes, on a pretext of borrowing to pay that debt, the revenues of the country charged with an usury of 20, 24, 36, and even 48 per cent. with compound interest, for the benefit of their servants. All this time they know that by having a debt subsisting without any interest, which is to be paid by contracting a debt on the highest interest, they manifestly render it necessary to the nabob of Arcot to give the private demand a preference to the public; and by binding him and their servants together in a common cause, they enable him to form a party to the utter ruin of their own authority, and their own affairs. Thus their false moderation, and their affected purity, by the natural operation of every thing false, and every thing affected, becomes pander and bawd to the unbridled debauchery and licentious lewdness of usury and extortion.

In consequence of this double game, all the territorial revenues have, at one time or other, been covered by those locusts, the English soucars. Not one single foot of the Carnatic has escaped them; a territory as large as England. During these operations what a scene has that country presented!* The usurious Eu-

* For some part of these usurious transactions, see Consultation 28th January 1781; and for the nabob's excusing his oppressions on account of these debts, Consultation 20th Nov. 1770. "Still I undertook, first, the payment of the money belonging to the Company, who are my kind friends, and by borrowing, and mortgaging my jewels, &c. by taking from every one of my servants, in proportion to their circumstances, by fresh severities also on my country, notwithstanding its distressed state, as you know."—The Board's remark is as follows: after controverting some of the facts, they say, "That his countries are oppressed is most certain, but

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ropean assignee supersedes the nabob's native farmer of the revenue; the farmer flies to the nabob's presence to claim his bargain; whilst his servants murmur for wages, and his soldiers mutiny for pay. The mortgage to the European assignee is then resumed, and the native farmer replaced; replaced, again to be removed on the new clamour of the European assignee.* Every man of rank and landed fortune being long since extinguished, the remaining miserable last cultivator, who grows to the soil, after having his back scored by the farmer, has it again flayed by the whip of the assignee, and is thus by a ravenous, because a short-lived succession of claimants, lashed from oppressor to oppressor, whilst a single drop of blood is left as the means of extorting a single grain of corn. Do not think I paint. Far, very far from it; I do not reach the fact, nor approach to it. Men of respectable condition, men equal to your substantial English yeomen, are daily tied up and scourged to answer the multiplied demands of various contending and contradictory titles, all issuing from one and the same source. Tyrannous exaction brings on servile concealment; and that again calls forth tyrannous coercion. They move in a circle, mutually producing and produced; till at length nothing of humanity is left in the government, no trace of integrity, spirit, or manliness in the people, who drag out a precarious and degraded existence under this system of outrage upon human nature. Such is the effect of the establishment of a debt to the Company, as it has hitherto been managed, and as it ever will remain, until ideas are adopted totally different from those which prevail at this time.

Your worthy ministers, supporting what they are obliged to condemn, have thought fit to renew the Company's old order against contracting private debts in future. They begin by rewarding the violation of the ancient law; and then they gravely re-enact provisions, of which they have given bounties for the breach. This inconsistency has been well exposed by my right hon. friend who made this motion. But what will you say to their having gone the length of giving positive directions for contracting the debt which they positively forbid? I will explain myself. They order the nabob, out of the revenues of the Carnatic, to allot 480,000*l.* a year, as a fund for the debts before us. For the punctual payment of this annuity, they order him to give soucar security. When a soucar, that is a money-dealer, becomes security for any native prince, the course is, for the native prince to counter-secure the money-dealer, by making over to him in mortgage a portion of his territory, equal to the sum annually to be paid, with an interest of at least 24 per cent. The point fit for the House to know is, who are these soucars, to whom this security on the revenues in favour of the nabob's creditors is to be given? The majority of the House, unaccustomed to these transactions, will hear with astonishment that these soucars are no other than the creditors themselves. The minister, not content with authorizing these transactions in a manner and to an extent unhoped for by the rapacious expectations of usury itself, loads the broken back of the Indian revenues, in favour of his worthy friends the soucars, with an additional 24 per cent. for being security to themselves for their own claims; for condescending to take the country in mortgage, to pay to themselves the fruits of their own extortions.

The interest to be paid for this security, according to the most moderate strain of soucar demand, comes to 118,000*l.* a year, which added to the 480,000*l.* on which it is to accrue, will make the whole charge on account of these debts on the Carnatic revenues amount to 598,000*l.* a year, as much as even a long peace will enable those revenues to produce. Can any one reflect for a moment on all those claims of debt, which the minister exhausts himself in contrivances to augment with new usuries, without lifting up his hands and eyes in astonishment of the impudence, both of the claim and of the adjudication? Services of some kind or other these servants of the Company must have done, so great and eminent, that the Chancellor of the Exchequer cannot think that all they have brought home is half enough. He halloos after them, "Gentlemen, you have forgot a large packet behind you, in your hurry; you have

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not from real necessity; his debts indeed have afforded him a constant pretence for using severities and cruel oppressions."

* See Consultation 28th January 1781, where it is asserted, and not denied, that the nabob's farmers of revenue seldom continue for three months together. From this the state of the country may be easily judged of.

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not sufficiently recovered yourselves; you ought to have, and you shall have, interest upon interest, upon a prohibited debt that is made up of interest upon interest. Even this is too little. I have thought of another character for you, by which you may add something to your gains; you shall be security to yourselves; and hence will arise a new usury, which shall efface the memory of all the usuries suggested to you by your own dull inventions."

I have done with the arrangement relative to the Carnatic. After this it is to little purpose to observe on what the ministers have done to Tanjore. Your ministers have not observed even form and ceremony in their outrageous and insulting robbery of that country, whose only crime has been, its early and constant adherence to the power of this, and the suffering of an uniform pillage in consequence of it. The debt of the Company from the rajah of Tanjore, is just of the same stuff with that of the nabob of Arcot.

The subsidy from Tanjore, on the arrear of which this pretended debt (if any there be) has accrued to the Company, is not, like that paid by the nabob of Arcot, a compensation for vast countries obtained, augmented, and preserved for him; not the price of pillaged treasuries, ransacked houses, and plundered territories. It is a large grant, from a small kingdom not obtained by our arms; robbed, not protected by our power; a grant for which no equivalent was ever given, or pretended to be given. The right hon. gentleman, however, bears witness in his reports to the punctuality of the payments of this grant of bounty, or, if you please, of fear. It amounts to 160,000*l.* sterling net annual subsidy. He bears witness to a further grant of a town and port, with an annexed district of 30,000*l.* a year, surrendered to the Company since the first donation. He has not borne witness, but the fact is (he will not deny it) that in the midst of war, and during the ruin and desolation of a considerable part of his territories, this prince made many very large payments. Notwithstanding these merits and services, the first regulation of ministry is to force from him a territory of an extent which they have not yet thought proper to ascertain, for a military peace establishment, the particulars of which they have not yet been pleased to settle.

The next part of their arrangement is with regard to war. As confessedly this prince had no share in stirring up any of the former wars, so all future wars are completely out of his power; for he has no troops whatever, and is under a stipulation not so much as to correspond with any foreign state, except through the Company. Yet, in case the Company's servants should be again involved in war, or should think proper again to provoke any enemy, as in times past they have wantonly provoked all India, he is to be subjected to a new penalty. To what penalty?—Why, to no less than the confiscation of all his revenues. But this is to end with the war, and they are to be faithfully returned?—Oh! no; nothing like it. The country is to remain under confiscation until all the debt which the Company shall think fit to incur in such war shall be discharged; that is to say, for ever. His sole comfort is to find his old enemy, the nabob of Arcot, placed in the very same condition.

The revenues of that miserable country were, before the invasion of Hyder, reduced to a gross annual receipt of 360,000*l.* From this receipt the subsidy I have just stated is taken. This again, by payments in advance, by extorting deposits of additional sums to a vast amount for the benefit of their soucars, and by an endless variety of other extortions, public and private, is loaded with a debt, the amount of which I never could ascertain, but which is large undoubtedly, generating an usury the most completely ruinous that probably was ever heard of; that is, 48 per cent. payable monthly, with compound interest.

Such is the state to which the Company's servants have reduced that country. Now come the reformers, restorers, and comforters of India. What have they done? In addition to all these tyrannous exactions with all these ruinous debts in their train, looking to one side of an agreement whilst they wilfully shut their eyes to the other, they withdraw from Tanjore all the benefits of the treaty of 1762, and they subject that nation to a perpetual tribute of 40,000*l.* a year to the nabob of Arcot; a tribute never due, or pretended to be due to him, even when he appeared to be something; a tribute, as things now stand, not to a real potentate, but to a shadow, a dream, an incubus of oppression. After the Company has accepted in subsidy, in grant of territory, in remission of rent, as a compensa-

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tion for their own protection, at least two hundred thousand pound a year, without discounting a shilling for that receipt, the ministers condemn this harassed nation to be tributary to a person who is himself, by their own arrangement, deprived of the right of war or peace; deprived of the power of the sword; forbid to keep up a single regiment of soldiers; and is therefore wholly disabled from all protection of the country which is the object of the pretended tribute. Tribute hangs on the sword. It is an incident inseparable from real sovereign power. In the present case to suppose its existence, is as absurd as it is cruel and oppressive. And here, Mr. Speaker, you have a clear exemplification of the use of those false names, and false colours, which the gentlemen who have lately taken possession of India choose to lay on for the purpose of disguising their plan of oppression. The nabob of Arcot, and rajah of Tanjore, have, in truth and substance, no more than a merely civil authority, held in the most entire dependence on the Company. The nabob, without military, without federal capacity, is extinguished as a potentate; but then he is carefully kept alive as an independent and sovereign power, for the purpose of rapine and extortion; for the purpose of perpetuating the old intrigues, animosities, usuries, and corruptions.

It was not enough that this mockery of tribute was to be continued without the correspondent protection, or any of the stipulated equivalents, but ten years of arrear, to the amount of 400,000*l.* sterling, is added to all the debts to the Company, and to individuals, in order to create a new debt, to be paid (if at all possible to be paid in whole or in part) only by new usuries; and all this for the nabob of Arcot, or rather for Mr. Benfield, and the corps of the nabob's creditors and their soucars. Thus these miserable Indian princes are continued in their seats, for no other purpose than to render them in the first instance objects of every species of extortion; and in the second, to force them to become, for the sake of a momentary shadow of reduced authority, a sort of subordinate tyrants, the ruin and calamity, not the fathers and cherishers of their people.

But take this tribute only as a mere charge (without title, cause, or equivalent) on this people: what one step has been taken to furnish grounds for a just calculation and estimate of the proportion of the burthen and the ability? None; not an attempt at it. They do not adapt the burthen to the strength; but they estimate the strength of the bearers by the burthen they impose. Then what care is taken to leave a fund sufficient to the future reproduction of the revenues that are to bear all these loads? Every one, but tolerably conversant in Indian affairs, must know that the existence of this little kingdom depends on its control over the river Cavery. The benefits of heaven to any community, ought never to be connected with political arrangements, or made to depend on the personal conduct of princes; in which the mistake, or error, or neglect, or distress, or passion of a moment on either side, may bring famine on millions, and ruin an innocent nation perhaps for ages. The means of the subsistence of mankind should be as immutable as the laws of nature, let power and dominion take what course they may.—Observe what has been done with regard to this important concern. The use of this river is indeed at length given to the rajah, and a power provided for its enjoyment at his own charge; but the means of furnishing that charge (and a mighty one it is) are wholly cut off. This use of the water, which ought to have no more connexion than clouds and rains, and sunshine, with the politics of the rajah, the nabob, or the Company, is expressly contrived as a means of enforcing demands and arrears of tribute. This horrid and unnatural instrument of extortion had been a distinguishing feature in the enormities of the Carnatic politics, that loudly called for reformation. But the food of a whole people is by the reformers of India conditioned on payments from its prince, at a moment that he is overpowered with a swarm of their demands, without regard to the ability of either prince or people. In fine by opening an avenue to the irruption of the nabob of Arcot's creditors and soucars, whom every man who did not fall in love with oppression and corruption on an experience of the calamities they produced, would have raised wall before wall, and mound before mound, to keep from a possibility of entrance, a more destructive enemy than Hyder Ali is introduced into that kingdom. By this part of their arrangement in which they establish a debt to the nabob of Arcot, in effect and substance, they deliver over Tanjore, bound hand and foot, to Paul Benfield, the old

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betrayer, insulter, oppressor, and scourge of a country, which has for years been an object of an unremitted, but unhappily an unequal struggle, between the bounties of Providence to renovate, and the wickedness of mankind to destroy.

The right hon. gentleman (Mr. Dundas) talks of his fairness in determining the territorial dispute between the nabob of Arcot and the prince of that country, when he superseded the determination of the directors, in whom the law had vested the decision of that controversy. He is in this just as feeble as he is in every other part. But it is not necessary to say a word in refutation of any part of his argument. The mode of the proceeding sufficiently speaks the spirit of it. It is enough to fix his character as a judge, that he never heard the directors in defence of their adjudication, nor either of the parties in support of their respective claims. It is sufficient for me, that he takes from the rajah of Tanjore by this pretended adjudication, or rather from his unhappy subjects, 40,000*l.* a year of his and their revenue, and leaves upon his and their shoulders all the charges that can be made on the part of the nabob, on the part of his creditors, and on the part of the Company, without so much as hearing him as to right or to ability. But what principally induces me to leave the affair of the territorial dispute between the nabob and the rajah to another day, is this, that both the parties being stripped of their all, it little signifies under which of their names the unhappy undone people are delivered over to the merciless soucars, the allies of that right hon. gentleman, and the Chancellor of the Exchequer. In them ends the account of this long dispute of the nabob of Arcot, and the rajah of Tanjore.

The right hon. gentleman is of opinion, that his judgment in this case can be censured by none, but those who seem to act as if they were paid agents to one of the parties. What does he think of his court of directors? If they are paid by either of the parties, by which of them does he think they are paid? He knows that their decision has been directly contrary to his. Shall I believe that it does not enter into his heart to conceive, that any person can steadily and actively interest himself in the protection of the injured and oppressed, without being well paid for his service? I have taken notice of this sort of discourse some days ago, so far as it may be supposed to relate to me. I then contented myself, as I shall now do, with giving it a cold, though a very direct contradiction. Thus much I do from respect to truth. If I did more, it might be supposed by my anxiety to clear myself, that I had imbibed the ideas, which, for obvious reasons, the right hon. gentleman wishes to have received concerning all attempts to plead the cause of the natives of India, as if it were a disreputable employment. If he had not forgot in his present occupation, every principle which ought to have guided him, and I hope did guide him, in his late profession, he would have known, that he who takes a fee for pleading the cause of distress against power, and manfully performs the duty he has assumed, receives an honourable recompence for a virtuous service. But if the right hon. gentleman will have no regard to fact in his insinuations, or to reason in his opinions, I wish him at least to consider, that if taking an earnest part with regard to the oppressions exercised in India, and with regard to this most oppressive case of Tanjore in particular, can ground a presumption of interested motives, he is himself the most mercenary man I know. His conduct indeed is such that he is on all occasions the standing testimony against himself. He it was that first called to that case the attention of the House: the reports of his own committee are ample and affecting upon that subject; and as many of us as have escaped his massacre, must remember the very pathetic picture he made of the sufferings of the Tanjore country, on the day when he moved the unwieldy code of his Indian resolutions. Has he not stated over and over again in his reports, the ill treatment of the rajah of Tanjore, (a branch of the royal house of the Mahrattas, every injury to whom the Mahrattas felt as offered to themselves) as a main cause of the alienation of that people from the British power? And does he now think, that to betray his principles, to contradict his declarations, and to become himself an active instrument in those oppressions which he had so tragically lamented, is the way to clear himself of having been actuated by a pecuniary interest, at the time when he chose to appear full of tenderness to that ruined nation?

The right hon. gentleman is fond of parading on the motives of others, and on his own. As to himself, he despises the imputations of those who suppose that any thing corrupt could influence him in this

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his unexampled liberality of the public treasure. I do not know that I am obliged to speak to the motives of ministry, in the arrangements they have made of the pretended debts of Arcot and Tanjore. If I prove fraud and collusion with regard to public money on those right hon. gentlemen, I am not obliged to assign their motives; because no good motives can be pleaded in favour of their conduct. Upon that case I stand; we are at issue; and I desire to go to trial. This, I am sure, is not loose railing, or mean insinuation, according to their low and degenerate fashion, when they make attacks on the measures of their adversaries. It is a regular and juridical course; and, unless I choose it, nothing can compel me to go further.

But since these unhappy gentlemen have dared to hold a lofty tone about their motives, and affect to despise suspicion, instead of being careful not to give cause for it, I shall beg leave to lay before you some general observations on what, I conceive, was their duty in so delicate a business. If I were worthy to suggest any line of prudence to that right hon. gentleman, I would tell him, that the way to avoid suspicion in the settlement of pecuniary transactions, in which great frauds have been very strongly presumed, is, to attend to these few plain principles:—First, to hear all parties equally, and not the managers for the suspected claimants only—not to proceed in the dark; but to act with as much publicity as possible;—not to precipitate decision—to be religious in following the rules prescribed in the commission under which we act: And, lastly, and above all, not to be fond of straining constructions, to force a jurisdiction, and to draw to ourselves the management of a trust in its nature invidious and obnoxious to suspicion, where the plainest letter of the law does not compel it. If these few plain rules are observed, no corruption ought to be suspected; if any of them are violated, suspicion will attach in proportion. If all of them are violated, a corrupt motive of some kind or other will not only be suspected, but must be violently presumed.

The persons in whose favour all these rules have been violated, and the conduct of ministers towards them, will naturally call for your consideration, and will serve to lead you through a series and combination of facts and characters, if I do not mistake, into the very inmost recesses of this mysterious business. You will then be in possession of all the materials on which the principles of sound jurisprudence will found, or will reject the presumption of corrupt motives; or if such motives are indicated, will point out to you of what particular nature the corruption is.

Our wonderful minister, as you all know, formed a new plan, a plan *insigne recens indictum ore alio*, a plan for supporting the freedom of our constitution by court intrigues, and for removing its corruptions by Indian delinquency. To carry that bold paradoxical design into execution, sufficient funds and apt instruments became necessary. You are perfectly sensible that a parliamentary reform occupies his thoughts day and night, as an essential member in this extraordinary project. In his anxious researches upon this subject, natural instinct, as well as sound policy, would direct his eyes, and settle his choice on Paul Benfield. Paul Benfield is the grand parliamentary reformer, the reformer to whom the whole choir of reformers bow, and to whom even the right hon. gentleman himself must yield the palm: for what region in the empire, what city, what borough, what county, what tribunal, in this kingdom, is not full of his labours? Others have been only speculators; he is the grand practical reformer; and whilst the Chancellor of the Exchequer pledges in vain the man and the minister, to increase the provincial members, Mr. Benfield has auspiciously and practically begun it. Leaving far behind him even lord Camelford's generous design of bestowing Old Sarum on the bank of England,* Mr. Benfield has thrown in the borough of Cricklade to reinforce the county representation. Not content with this, in order to station a steady phalanx for all future reforms, this public-spirited usurer, amidst his charitable toils for the relief of India, did not forget the poor rotten constitution of his native country. For her, he did not disdain to stoop to the trade of a wholesale upholsterer for this House, to furnish it, not with the faded tapestry figures of antiquated merit, such as decorate, and may reproach some other houses, but with real, solid, living patterns of true modern virtue. Paul Benfield made (reckoning himself) no fewer than eight members in the last parliament. What copious streams of pure blood must he not have transfused into the veins of the present!

* See Vol. XXIII. p. 845.

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But what is even more striking than the real services of this new-imported patriot, is his modesty. As soon as he had conferred this benefit on the constitution, he withdrew himself from our applause. He conceived that the duties of a member of parliament (which with the elect faithful, the true believers, the *Islam* of parliamentary reform, are of little or no merit, perhaps not much better than specious sins) might be as well attended to in India as in England, and the means of reformation to parliament itself, be far better provided. Mr. Benfield was therefore no sooner elected, than he set off for Madras, and defrauded the longing eyes of parliament. We have never enjoyed in this House the luxury of beholding that minion of the human race, and contemplating that visage, which has so long reflected the happiness of nations.

It was therefore not possible for the minister to consult personally with this great man. What then was he to do? Through a sagacity that never failed him in these pursuits, he found out in Mr. Benfield's representative, his exact resemblance. A specific attraction by which he gravitates towards all such characters, soon brought our minister into a close connexion with Mr. Benfield's agent and attorney; that is, with the grand contractor (whom I name to honour) Mr. Richard Atkinson; a name that will be well remembered as long as the records of this House, as long as the records of the British treasury, as long as the monumental debt of England shall endure.

This gentleman, Sir, acts as attorney for Mr. Paul Benfield. Every one who hears me, is well acquainted with the sacred friendship, and the steady mutual attachment that subsists between him and the present minister. As many members as chose to attend in the first session of this parliament, can best tell their own feelings at the scenes which were then acted. How much that hon. gentleman was consulted in the original frame and fabric of the Bill, commonly called Mr. Pitt's India Bill, is matter only of conjecture; though by no means difficult to divine. But the public was an indignant witness of the ostentation with which the measure was made his own, and the authority with which he brought up clause after clause, to stuff and fatten the rankness of that corrupt Act. As fast as the clauses were brought up to the table they were accepted. No hesitation; no discussion. They were received by the new minister, not with approbation, but with implicit submission. The reformation may be estimated by seeing who was the reformer. Paul Benfield's associate and agent was held up to the world as legislator of Indostan. But it was necessary to authenticate the coalition between the men of intrigue in India, and the minister of intrigue in England, by a studied display of the power of this their connecting link. Every trust, every honour, every distinction, was to be heaped upon him. He was at once made a director of the India Company; made an alderman of London; and to be made, if ministry could prevail (and I am sorry to say how near, how very near they were prevailing), representative of the capital of this kingdom. But to secure his services against all risk, he was brought in for a ministerial borough. On his part, he was not wanting in zeal for the common cause. His advertisements shew his motives, and the merits upon which he stood. For your minister, this worn-out veteran submitted to enter into the dusty field of the London contest; and you all remember, that in the same virtuous cause he submitted to keep a sort of public office or counting-house, where the whole business of the last general election was managed. It was openly managed by the direct agent and attorney of Benfield. It was managed upon India principles, and for an Indian interest. This was the golden cup of abominations; this the chalice of the fornications of rapine, usury, and oppression, which was held out by the gorgeous eastern harlot; which so many of the people, so many of the nobles of this land had drained to the very dregs. Do you think that no reckoning was to follow this lewd debauch? that no payment was to be demanded for this riot of public drunkenness and national prostitution? Here! you have it here before you. The principal of the grand election manager must be indemnified; accordingly the claims of Benfield and his crew, must be put above all inquiry.

For several years, Benfield appeared as the chief proprietor, as well as the chief agent, director and comptroller, of this system of debt. The worthy chairman of the Company has stated the claims of this single gentleman on the nabob of Arcot, as amounting to 500,000*l.** Possibly at the time of the chairman's statement they might have been as high: 800,000*l.* had

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been mentioned some time before; and according to the practice of shifting the names of creditors in these transactions, and reducing or raising the debt itself at pleasure, I think it not impossible, that at one period, the name of Benfield might have stood before those frightful figures. But my best information goes to fix his share no higher than 400,000*l.* By the scheme of the present ministry for adding to the principal 12 per cent. from the year 1777 to the year 1781, 400,000*l.*, that smallest of the sums ever mentioned for Mr. Benfield, will form a capital of 592,000*l.* at 6 per cent. Thus, besides the arrears of three years, amounting to 106,500*l.* (which, as fast as received, may be legally lent out at 12 per cent.) Benfield has received by the ministerial grant before you, an annuity of 35,520*l.* a year, charged on the public revenues.

Our mirror of ministers of finance, did no think this enough for the services of such a friend as Benfield. He found that lord Macartney, in order to frighten the court of directors from the project of obliging the nabob to give soucar security for his debt, assured them, that if they should take that step, Benfield would infallibly be the soucar; and would thereby become the entire master of the Carnatic. What lord Macartney thought sufficient to deter the very agents and partakers with Benfield in his iniquities, was the inducement to the two right hon. gentlemen to order this very soucar security to be given, and to recall Benfield to the city of Madras, from the sort of decent exile, into which he had been relegated by lord Macartney. You must therefore consider Benfield, as soucar security for 480,000*l.* a year, which at 24 per cent. (supposing him contented with that profit) will, with the interest of his old debt, produce an annual income of 149,520*l.* a year.

Here is a specimen of the new and pure aristocracy created by the right hon. gentleman (Mr. Pitt) as the support of the crown and constitution, against the old, corrupt, refractory, natural interests of this kingdom; and this is the grand counterpoise against all odious coalitions of these interests. A single Benfield outweighs them all; a criminal, who long since ought to have fattened the region kites with his offal, is, by his Majesty's ministers, enthroned in the government of a great kingdom, and enfeoffed with an estate, which in the comparison effaces the splendour of all the nobility of Europe. To bring a little more distinctly into view the true secret of this dark transaction, I beg you particularly to advert to the circumstances which I am going to place before you. The general corps of creditors, as well as Mr. Benfield himself, not looking well into futurity, nor presaging the minister of this day, thought it not expedient for their common interest, that such a name as his should stand at the head of their list. It was therefore agreed amongst them, that Mr. Benfield should disappear by making over his debt to Messrs. Taylor, Majendie, and Call, and should in return be secured by their bond. The debt thus exonerated of so great a weight of its odium, and otherwise reduced from its alarming bulk, the agents thought they might venture to print a list of the creditors. This was done for the first time in the year 1783, during the duke of Portland's administration. In this list the name of Benfield was not to be seen. To this strong negative testimony was added the further testimony of the nabob of Arcot. That prince (or rather Mr. Benfield for him) writes to the court of directors a letter full of complaints and accusations against lord Macartney, conveyed in such terms as were natural for one of Mr. Benfield's habits and education to employ. Amongst the rest he is made to complain of his lordship's endeavouring to prevent an intercourse of politeness and sentiment between him and Mr. Benfield; and to aggravate the affront, he expressly declares Mr. Benfield's visits to be only on account of respect and of gratitude, as no pecuniary transaction subsisted between them.

Such, for a considerable space of time, was the outward form of the loan of 1777, in which Mr. Benfield had no sort of concern. At length intelligence arrived at Madras, that this debt, which had always been renounced by the court of directors, was rather like to become the subject of something more like a criminal inquiry, than of any patronage or sanction from parliament. Every ship brought accounts, one stronger than the other, of the prevalence of the determined enemies of the Indian system. The public revenues became an object desperate to the hopes of Mr. Benfield; he therefore resolved to fall upon his associates, and, in violation of that faith which subsists among those who have abandoned all other, commences

* Mr. Smith's protest.

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a suit in the mayor's court against Taylor, Majendie, and Cull, for the bond given to him, when he agreed to disappear for his own benefit as well as that of the common concern. The assignees of his debt, who little expected the springing of this mine, even from such an engineer as Mr. Benfield, after recovering their first alarm, thought it best to take ground on the real state of the transaction. They divulged the whole mystery, and were prepared to plead that they had never received from Mr. Benfield any other consideration for the bond, than a transfer, in trust for himself, of his demand on the nabob of Arcot. An universal indignation arose against the perfidy of Mr. Benfield's proceeding; the event of the suit was looked upon as so certain, that Benfield was compelled to retreat as precipitately as he had advanced boldly; he gave up his bond, and was re-instated in his original demand, to wait the fortune of other claimants. At that time, and at Madras, this hope was dull indeed; but at home another scene was preparing.

It was long before any public account of this discovery at Madras had arrived in England, that the present minister and his board of control, thought fit to determine on the debt of 1777. The recorded proceedings at this time knew nothing of any debt to Benfield. There was his own testimony; there was the testimony of the list; there was the testimony of the nabob of Arcot against it. Yet such was the ministers' feeling of the true secret of this transaction, that they thought proper, in the teeth of all these testimonies, to give him licence to return to Madras. Here the ministers were under some embarrassment. Confounded between their resolution of rewarding the good services of Benfield's friends and associates in England, and the shame of sending that notorious incendiary to the court of the nabob of Arcot, to renew his intrigues against the British government, at the time they authorize his return, they forbid him under the severest penalties, from any conversation with the nabob or his ministers; that is, they forbid his communication with the very person on account of his dealings with whom they permit his return to that city. To overtop this contradiction, there is not a word restraining him from the freest intercourse with the nabob's second son, the real author of all that is done in the nabob's name; who, in conjunction with this very Benfield, has acquired an absolute dominion over that unhappy man, is able to persuade him to put his signature to whatever paper they please, and often without any communication of the contents. This management was detailed to them at full length by lord Macartney, and they cannot pretend ignorance of it.

I believe, after this exposure of facts, no man can entertain a doubt of the collusion of ministers with the corrupt interest of the delinquents in India. Whenever those in authority provide for the interest of any person, on the real but concealed state of his affairs, without regard to his avowed, public, and ostensible pretences, it must be presumed that they are in confederacy with him, because they act for him on the same fraudulent principles on which he acts for himself. It is plain, that the ministers were fully apprised of Benfield's real situation, which he had used means to conceal, whilst concealment answered his purposes. They were, or the person on whom they relied was, of the cabinet council of Benfield, in the very depth of all his mysteries. An honest magistrate compels men to abide by one story. An equitable judge would not hear of the claim of a man who had himself thought proper to renounce it. With such a judge his shuffling and prevarication would have damned his claims; such a judge never would have known, but in order to animadvert upon proceedings of that character.

I have thus laid before you, Mr. Speaker, I think with sufficient clearness, the connexion of the ministers with Mr. Atkinson at the general election; I have laid open to you the connexion of Atkinson with Benfield; I have shewn Benfield's employment of his wealth, in creating a parliamentary interest, to procure a ministerial protection; I have set before your eyes his large concern in the debt, his practices to hide that concern from the public eye, and the liberal protection which he has received from the minister. If this chain of circumstances does not lead you necessarily to conclude that the minister has paid to the avarice of Benfield the services done by Benfield's connexions to his ambition, I do not know any thing short of the confession of the party that can persuade you of his guilt. Clandestine and collusive practice can only be traced by combination and comparison of circumstances. To reject such combination and comparison is to reject

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the only means of detecting fraud; it is indeed to give it a patent and free licence to cheat with impunity.

I confine myself to the connexion of ministers, mediately or immediately, with only two persons concerned in this debt. How many others, who support their power and greatness within and without doors, are concerned originally, or by transfers of these debts, must be left to general opinion. I refer to the reports of the select committee for the proceedings of some of the agents in these affairs, and their attempts, at least, to furnish ministers with the means of buying general courts, and even whole parliaments, in the gross.

I know that the ministers will think it little less than acquittal, that they are not charged with having taken to themselves some part of the money of which they have made so liberal a donation to their partisans, though the charge may be indisputably fixed upon the corruption of their politics. For my part, I follow their crimes to that point to which legal presumptions and natural indications lead me, without considering what species of evil motive tends most to aggravate or to extenuate the guilt of their conduct. But if I am to speak my private sentiments, I think that in a thousand cases for one it would be far less mischievous to the public, and full as little dishonourable to themselves to be polluted with direct bribery, than thus to become a standing auxiliary to the oppression, usury, and peculation of multitudes, in order to obtain a corrupt support to their power. It is by bribing, not so often by being bribed, that wicked politicians bring ruin on mankind. Avarice is a rival to the pursuits of many. It finds a multitude of checks, and many opposers, in every walk of life. But the objects of ambition are for the few; and every person who aims at indirect profit, and therefore wants other protection than innocence and law, instead of its rival becomes its instrument. There is a natural allegiance and fealty due to this domineering paramount evil, from all the vassal vices, which acknowledge its superiority, and readily militate under its banners; and it is under that discipline alone that avarice is able to spread to any considerable extent, or to render itself a general public mischief. It is therefore no apology for ministers, that they have not been bought by the East India delinquents, but that they have only formed an alliance with them for screening each other from justice, according to the exigence of their several necessities. That they have done so is evident; and the junction of the power of office in England, with the abuse of authority in the East, has not only prevented even the appearance of redress to the grievances of India, but I wish it may not be found to have dulled, if not extinguished, the honour, the candour, the generosity, the good nature, which used formerly to characterise the people of England. I confess, I wish that some more feeling than I have yet observed for the sufferings of our fellow-creatures and fellow-subjects in that oppressed part of the world, had manifested itself in any one quarter of the kingdom, or in any one large description of men.

That these oppressions exist, is a fact no more denied, than it is resented as it ought to be. Much evil has been done in India under the British authority. What has been done to redress it? We are no longer surprised at any thing. We are above the unlearned and vulgar passion of admiration. But it will astonish posterity, when they read our opinions in our actions, that after years of inquiry we have found out that the sole grievance of India consisted in this, that the servants of the Company there had not profited enough of their opportunities, nor drained it sufficiently of its treasures; when they shall hear that the very first and only important act of a commission specially named by act of parliament, is to charge upon an undone country, in favour of a handful of men in the humblest ranks of the public service, the enormous sum of perhaps four millions of sterling money.

It is difficult for the most wise and upright government to correct the abuses of remote delegated power, productive of unmeasured wealth, and protected by the boldness and strength of the same ill-got riches. These abuses, full of their own wild native vigour, will grow and flourish under mere neglect. But where the supreme authority, not content with winking at the rapacity of its inferior instruments, is so shameless and corrupt as openly to give bounties and premiums for disobedience to its laws; when it will not trust to the activity of avarice in the pursuit of its own gains; when it secures public robbery by all the careful jealousy and attention with which it ought to protect property from such violence; the common-

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wealth then is become totally perverted from its purposes; neither God nor man will long endure it; nor will it long endure itself. In that case, there is an unnatural infection, a pestilential taint fermenting in the constitution of society, which fever and convulsions of some kind or other must throw off; or in which the vital powers, worsted in an unequal struggle, are pushed back upon themselves, and by a reversal of their whole functions, fester to gangrene, to death; and instead of what was but just now the delight and boast of the creation, there will be cast out in the face of the sun, a bloated, putrid, noisome carcase, full of stench and poison, an offence, a horror, a lesson to the world.

In my opinion, we ought not to wait for the fruitless instruction of calamity to inquire into the abuses which bring upon us ruin in the worst of its forms, in the loss of our fame and virtue. But the right hon. gent. (Mr. Dundas) says, in answer to all the powerful arguments of my hon. friend—"that this inquiry is of a delicate nature, and that the state will suffer detriment by the exposure of this transaction." But it is exposed; it is perfectly known in every member, in every particle, and in every way, except that which may lead to a remedy. He knows that the papers of correspondence are printed, and that they are in every hand. He and delicacy are a rare and a singular coalition. He thinks that to divulge our Indian politics, may be highly dangerous. He! the mover! the chairman! the reporter of the committee of secrecy! he that brought forth in the utmost detail, in several vast printed folios, the most recondite parts of the politics, the military, the revenues of the British empire in India! With six great chopping bastards*, each as lusty as an infant Hercules, this delicate creature blushes at the sight of his new bridegroom, assumes a virgin delicacy; or, to use a more fit, as well as a more poetic comparison, the person so squeamish, so timid, so trembling lest the winds of Heaven should visit too roughly, is expanded to broad sunshine, exposed like the sow of imperial augury, lying in the mud with all the prodigies of her fertility about her, as evidence of her delicate amours—

Triginta capitum fœtus enixa jacebat,
Alba, solo recubans, albi circum ubera nati.

* Six Reports of the committee of secrecy.

Whilst discovery of the misgovernment of others led to his own power, it was wise to inquire; it was safe to publish: there was then no delicacy; there was then no danger. But when his object is obtained, and in his imitation he has outdone the crimes that he had reprobated in volumes of reports, and in sheets of bills of pains and penalties; then concealment becomes prudence; and it concerns the safety of the state, that we should not know, in a mode of parliamentary cognizance, what all the world knows but too well, that is, in what manner he chooses to dispose of the public revenues to the creatures of his politics.

The debate has been long, and as much so on my part, at least, as on the part of those who have spoken before me. But long as it is, the more material half of the subject has hardly been touched on; that is, the corrupt and destructive system to which this debt has been rendered subservient, and which seems to be pursued with at least as much vigour and regularity as ever. If I considered your ease or my own, rather than the weight and importance of this question, I ought to make some apology to you, perhaps some apology to myself, for having detained your attention so long. I know on what ground I tread. This subject, at one time taken up with so much fervour and zeal, is no longer a favourite in this House. The House itself has undergone a great and signal revolution. To some the subject is strange and uncouth; to several harsh and distasteful; to the relics of the last parliament it is a matter of fear and apprehension. It is natural for those who have seen their friends sink in the tornado which raged during the late shift of the monsoon, and have hardly escaped on the planks of the general wreck, it is but too natural for them, as soon as they make the rocks and quicksands of their former disasters, to put about their new-built barks, and as much as possible to keep aloof from this perilous lee shore.

But let us do what we please to put India from our thoughts, we can do nothing to separate it from our public interest and our national reputation. Our attempts to banish this importunate duty, will only make it return upon us again and again, and every time in a shape more unpleasant than the former. A government has been fabricated for that great province; the right hon. gentleman says, that therefore you ought not to examine into its conduct.

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Heavens! what an argument is this! We are not to examine into the conduct of the direction, because it is an old government: we are not to examine into this board of control, because it is a new one. Then we are only to examine into the conduct of those who have no conduct to account for. Unfortunately the basis of this new government has been laid on old condemned delinquents, and its superstructure is raised out of prosecutors turned into protectors. The event has been such as might be expected. But if it had been otherwise constituted; had it been constituted even as I wished, and as the mover of this question had planned, the better part of the proposed establishment was in the publicity of its proceedings; in its perpetual responsibility to parliament. Without this check, what is our government at home, even awed, as every European government is, by an audience formed of the other states of Europe, by the applause or condemnation of the discerning and critical Company before which it acts? But if the scene on the other side of the globe, which tempts, invites, almost compels to tyranny and rapine, be not inspected with the eye of a severe and unremitting vigilance, shame and destruction must ensue. For one, the worst event of this day, though it may deject, shall not break or subdue me. The call upon us is authoritative. Let who will shrink back, I shall be found at my post. Baffled, discountenanced, subdued, discredited, as the cause of justice and humanity is, it will be only the dearer to me. Whoever therefore shall at any time bring before you any thing towards the relief of our distressed fellow-citizens in India, and towards a subversion of the present most corrupt and oppressive system for its government, in me shall find, a weak, I am afraid, but a steady, earnest, and faithful assistant.

When Mr. Burke sat down, several members rose to speak, but it being one o'clock, and the question being loudly called for, the House divided:

Tellers.

YEAS	Lord Maitland Sir James Erskine	69
NOES	Mr. Eliot Mr. Robert Smith	164

So it passed in the negative.

Debate in the Lords on the Earl of Carlisle's Motion relative to the Debts of the Nabob of Arcot.] Feb. 18. The Earl of *Carlisle* desired that the 37th and 38th sections of the Act of the last session, for the better regulation and management of the affairs of the East India Company, &c. might be read. The same being accordingly read by the clerk, his lordship said, he had a motion to make for papers, which would give material information to their lordships. The debts of the nabob of Arcot, he said, were divided into classes; the Old Loan, which was of pretty ancient standing; the Cavalry Loan, of more recent date; and the debt to the Company, which he should term the Public Debt; and when he did so, he meant to call their lordships attention to a Bill that had passed the last session, which was termed the Relief Bill. Their lordships would recollect, that at the time that Bill passed, the Company were stated to be in indigent circumstances, and parliament had been called on to remit the payment of large sums then due to the public for duties, and which sums still remained unpaid. The public, therefore, having been additionally burthened for the support of the Company, and being at present its creditor to a considerable amount, it was fair to contend that the debts due to the Company were in fact due to the public. Besides the debts of the nabob which he had mentioned, and of which there was no suspicion, the nabob stood indebted a very considerable sum to the native princes and landholders in the Carnatic, to whom that House would doubtless consider themselves, as much the guardians and protectors, as they were the guardians and protectors of the subjects at home. There was also one other debt, and that was, a debt to British subjects for sums lent and advanced in India. By the 37th and 38th sections of the Act, which had been just read, it appeared that the court of directors had been ordered to institute a complete investigation of these demands, and to give directions to their servants in India to establish a fund for the discharge of the nabob's debts; the language of the Act was so plain, that it could not be misunderstood; rumour, however, had been exceedingly busy, and had given rise to some suspicions which he conceived it to be the indispensable duty of their lordships to inquire into, that the public might be satisfied. It was with this view that he should move for some papers that would give their lordships a full opportunity of ascertaining whether those rumours were well-founded or not. Orders had been recently

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sent out to India by the court of directors, directly contrary to the express directions of the act of parliament, in these three important particulars: the treaty of 1762, between the nabob of Arcot and the rajah of Tanjore, which the Act had directed to be adhered to in the settlement of their rights, was ordered to be violated, and its principles, terms, and speculations to be departed from; the territories of Arnee and Atticatti-cootee were ordered to be wrested from the rajah, and the debt due to individual British subjects, which was the most liable to suspicion of all the nabob's debts, was ordered to be discharged, previous to any investigation being instituted into the origin and justice of the demand, and previous to the discharge of the debt to the public. It was not with any view to crimination, but to know whether such rumour was well founded, that he begged leave to move, "That the proper officer be directed to lay before the House, copies or extracts of all letters and orders of the court of directors of the East India Company, in pursuance of the injunction contained in the 37th and 38th clauses of an Act, entitled, 'An Act for the better regulation 'and management of the affairs of the 'East India Company, and of the British 'possessions in India; and for establish-'ing a court of judicature for the more 'speedy and effectual trial of persons ac-'cused of offences committed in the East 'Indies.'"

Lord *Sydney* said, he was sorry he could not give his consent to a motion, the complying with which did not appear to him likely to answer any useful purpose. Parliament had for several sessions been employed in debating upon the affairs of India, and it had appeared that those affairs had not been more prosperous on that account. He could not therefore conceive, that going into their consideration again, just after they had adjusted a plan of proceeding for the better management of the Company's affairs, would be either wise or necessary; and therefore the noble earl must excuse him if he did not give his consent to the motion.

Viscount *Stormont* said, the noble earl who made the motion had stated that rumours were abroad of a very extraordinary nature; those rumours had created a deal of alarm, and ought to be inquired into: that was the aim proposed by the present motion.

Lord *Rawdon* said, that refusing to inquire into reports that created much suspicion, was more likely to increase than remove the suspicion. On the present occasion ministers had a delicate task to perform. It was their duty to prevent state secrets from being divulged. The papers called for might convey information to the enemies of Great Britain, and by shewing those whose interest it was to counteract the policy of this country in India, what we were about, and what measures we were taking in the Carnatic, teach them how they might be the best defeated.

Lord Loughborough spoke for the motion, and lord Thurlow against it. After which it was negatived without a division.

March 1. The Earl of *Carlisle* said, he had on a former occasion submitted to their lordships a motion for papers respecting the debts of the nabob of Arcot. The motion had been rejected. But as a copy of those papers had been printed by Mr. Debrett, it was probable they were in the possession of many of their lordships; and therefore, the purpose of making parliament acquainted with the situation of affairs, in consequence of the conduct of the new commissioners, was answered. But as the principal point of respecting the debts due to the real creditors of the nabob of Arcot was yet to be attained, he meant to submit to their lordships a motion which he conceived might bring that matter to an issue. The noble earl then entered into an investigation of the cavalry debt, the loan of 1777, and the sum due to the Company; which he went through with great accuracy; following the sentiments of Mr. Fox, as delivered on Monday in the House of Commons, and making similar conclusions from similar premises. There was one subject which he thought somewhat new: it was what the servants in India, and the board of control, called a floating debt. On this he should say a few words. He compared the situation to that of executors, who had an estate in trust for a minor, on which estate there were several claims, which he divided into two classes, just and unjust. Those that were really due, the executors no doubt would put into the most speedy and effectual mode of payment: those that were fictitious, or supposed to be so, they would naturally inquire into before they discharged them. But, says the fictitious claimant, if you do not instantly secure to me my demand, I will harass and complex you by continual

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law-suits; and therefore it is your interest, and the interest of the person whose estate you have in trust, to comply with my request. Would any honest man, in such case, agree to the demand of the unjust creditor? Surely not. And yet, strange to tell, a debt of this kind, the loan of 1777, is desired to be kept afloat, although the commissioners have a doubt of its justice; and the servants of the Company determine to pay it in preference to those just and fair claims to which the real and acknowledged creditors are entitled. Such is the equity which parliament is to expect from the new regulations. As to the idea of the mode proposed, being very likely to circulate cash in India, that was idle; unless we were to conceive that Asia was like the human body; which, by taking away a certain quantity of blood, gives to the remainder a more free circulation. For certain it was, that the money flowed from that country into this, whenever it got into the hands of private individuals. The noble earl then moved, "That the large sums of money claimed to be due to the British subjects by the nabob of Arcot, ought not to be put into a course of payment, without a previous investigation into the origin and justice of the respective demands, whereby the several claimants of the debts contracted against the orders of the East India Company may be obliged to set forth and prove the grounds and considerations of their respective debts; and that such debts ought not to be discharged, while the large sums due from the nabob of Arcot are unpaid to the East India Company, which is now indebted to the public in a sum of at least 900,000*l.* for customs postponed."

The *Lord Chancellor* moved, that the motion made by the noble earl on the 18th of February, and which was negatived, should be read. It was read accordingly.

Lord *Walsingham* rose, he said, to give the motion a direct negative. The subject had assumed a new shape since their lordships had formerly discussed it; but the noble lord's motion, in his opinion, was not calculated to succeed in any form. About the act of parliament, to which reference had been made, and on which much stress had been laid, he, for one, was under no sort of difficulty. His lordship explained what was called the cavalry debt, by stating the fact which occasioned it, and the circumstances to which the nabob had been reduced. He saw no doubt whatever connected with this transaction: it had all the characteristics of fairness and upright conduct; and, whatever might have been insinuated, he was ready to pronounce it, in every respect, free from blame: but it was the debt of the year 1777 on which so many bold imputations had been laid. He, for one, was ready to admit, that so early as the year 1769, the Company had prohibited their servants abroad from negociating any loans with any of the native princes whatever. This he owned was in opposition to the legality, perhaps protection, of these debts; and there was no doubt but these debts had received no credit from that circumstance. But apart from this, he was at some loss to know what degree of turpitude they really possessed. He would not pretend to answer for what the court of directors had done. They conceived that they enjoyed the privilege of judging for themselves. But he was perfectly aware what the board of control had thought it their duty to do. They owned something like suspicion hung on the validity of the debts in question. They complained that matters were not more perspicuous. They blamed whoever had any share in clouding that, about which intelligence was now become of so much importance. But what more could they do? By giving a flat negation to the claims of these creditors, who can say what might not have been the consequence? A source of altercation and hostility would still have been kept open. The Carnatic might again have been embroiled. The circulation of specie would have been almost annihilated; and what in his mind was the worst calamity of all, the feelings of the nabob would have been wounded. He knew these debts to be due to many a worthy individual, and for services of material importance. He was sensible, therefore, how much the reputation of his justice, his veracity, his honour, might suffer by giving countenance to the least demur. And he thought it not in any degree unbecoming their lordships attention. But, however much against our feelings, because not in unison with our habits, such a conduct in the servants of the Company, that conduct was perfectly consonant to the manners of the country. It was perhaps impossible, all circumstances considered, for people who went out of this kingdom to a territory so remote, and associating with a description of men in every respect of manners and habits dissimilar to ours, to adopt the same

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maxims, and preserve the same uniformity of action in every case that we did. He trusted their lordships would make all possible allowances for individuals under this predicament. The noble mover had not, for very obvious reasons, adverted to this part of the argument in any thing he had said. But he had condemned the debts in the gross, without even admitting that some might be unexceptionable. These, and such as these, were the principles on which the present board of control had acted, in the order they had made, and the protection they had given. They deemed it highly inexpedient to keep those debts longer afloat, as that was a circumstance which equally affected the Company, the nabob, and the British government. They were anxious to preserve a peace so honourably established. They wished the country to have some respite from the cruel ravages of war. And the new commissioners consulted their own feelings, by sacrificing in this manner to humanity, what others might probably imagine due in the first instance to justice. On these motives, they had acted in extending their protection to the debts in question. They were, in his apprehension, bound to such a conduct, as the matter had been so long delayed, and the parties not a little irritated. It was on similar principles, that he should now dissent from the resolution proposed by the noble lord, and move an adjournment.

Viscount *Stormont* said, it was agreed on all hands, that jealousies of a very strange kind had, by all parties, been entertained, at least to a certain degree, on the debts of the nabob of Arcot to several British individuals. He desired the attention of their lordships to what had been done by the court of directors. These gentlemen, as much strangers to all professional acquaintance with law as his lordship, were however apprehensive that something was wrong in relation to those debts. They therefore set an inquiry on foot. They interrogated their servants concerning them. In this kind of correspondence they had persisted for years. Yet after all the pains they had taken, the debts were to this moment as mysterious and unaccountable as ever. Notwithstanding this, they issue their orders, that all due inquisition into their origin might be made; but their utmost solicitude was baffled; and as plain, honest, well-meaning men, adhering nevertheless to their duty, mark their opinion of this matter as full of suspicion and doubt. The noble viscount declined taking up any part of their lordships time with the first description of the debt of the nabob of Arcot, as he conceived it was generally agreed to be wholly unobjectionable. The cavalry debt had also been discussed at length; how far the arguments which went to justify it were successful, he would not say; but it was the debt in which individuals were principally concerned, to which he wished to draw the attention of their lordships; and they would, he trusted, forgive him, if he called many debts which belong to this class, fraudulent and fictitious; he would give this name to all such bills or bonds on the nabob of Arcot, as exceeded the sums which he had originally received. What value had been given for procuring these pecuniary obligations? The noble lord, he knew, without any improper intention, had notwithstanding dropt an expression which struck him in a most forcible light. These debts, he said, were agreeable to the custom of India. He thought this expression might let their lordships into the secret history of these manœuvres much better than any thing he could say. It ought to be considered about what time these debts were contracted, and under what circumstances. When the court of the nabob swarmed with European sycophants, and his ideas of ambition and aggrandizement were excited and inflamed, these debts took place. The plain meaning of the matter, therefore, was that the board of control had actually guaranteed all the money, by which this prince, by means of bribery and corruption, obtained the concurrence and co-operation of the Company, and their army, to invade, desolate and conquer certain districts in the Carnatic for the benefit of the nabob. What was this but a reward highly detrimental in the first instance to the East India Company, but ultimately injurious to the state in general, as not only disturbing her tranquillity, but alienating her resources, and by that means exposing her to all those dangers which are inseparable from an impotent and defenceless situation? Here, therefore, was the beginning of the new government of control, which was to make India so different from what it had been in the earlier periods of our connexion with it. He congratulated his country on the return of the golden age, and the infinite advantage we were likely to derive.

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from this pure institution. One benefit, however, he said, did undoubtedly arise from this new institution. There was now an end put to presents. These were no longer admissible by the servants of the Company. However, they were still at liberty to say to their Indian friends—The British parliament has undoubtedly put all the business of presents out of the question; it is no longer honourable or safe for us to receive any gratuities of that sort; but your excellency may gratify us with a bond. This was one species of corruption successfully put for another. His lordship then went into the nature of the consequences, and the motives of the order which had been given by the new board. The first, on which this extraordinary measure was founded, was the inexpediency of keeping the nabob's debts any longer afloat: this he did not understand, as it was necessary in some degree, that they should be kept open till they were settled. The noble viscount then entered pretty largely into the detail.

Lord *Loughborough* desired it to be understood, that he did not mean to travel the whole debate over again. He should not "vex the dull ear of a drowsy man;" to which situation he apprehended the present subject had reduced their lordships. The learned lord therefore took up the debts in such a point of view as would appear to a jury of unprejudiced men in a court of equity. He demanded to know, if a claim was made, whether the first inquiry would not be into the justice of that claim, and whether the court would not think it proper to have that justice substantiated, before there was an order made for the discharge of the debt? He stated the case of a bond debt, to which there were exceptions taken; and therefrom argued, that the claims of private individuals, to whom the nabob of Arcot stood indebted, and of the legality of which claims there were the strongest reasons to entertain doubts, should not be discharged in preference to those debts which were really and *bonâ fide* due to the public. The subject was now in every man's mouth; and, intricate as India affairs were, yet the book published by Debrett had so far informed men's minds, that few were unacquainted with that very intelligence the commissioners wished to hide from the eyes of the public. As to the debts due by the nabob of Arcot to individuals, he believed them to be all fictitious. Nabob-making had been a trade of some long standing, and those unfortunate Asiatic sacrifices were created and uncreated just as the interest of individuals prompted them to set up or tumble down their golden calves. The nabob of Arcot, who had got some insight into this traffic of his brethren, thought his best security would be to make his life, and his continuation in power, of such value, that the deprivation of either would be a loss instead of a gain. Hence he got in debt; hence he secured himself from the usual mode of being deposed; and hence he has become a person of such consequence, as not only to demand the attention, but actually the care of parliament. The learned lord then went into a long investigation of the subject of India affairs, recapitulating what he had said on a former occasion, and deducing arguments from the India papers, which went to prove the ill-judged conduct of the commissioners or board of control, and the scandalous practices of the servants in India. Until these papers were contradicted, he thought in a great measure, he was entitled to look upon them as no fiction. For these and other reasons he should give his assent to the motion of the noble earl.

The *Lord Chancellor* said, that the question merely was, whether their lordships would come into resolutions concerning the debts of the nabob of Arcot, of which debts they had no knowledge whatever, and had but the other day decided, that the papers which had been stated to contain an account of the debts of the said nabob, were unfit to be brought under their discussion. He could not help expressing his astonishment, that noble lords, who had but within a few days moved for papers, which the House had resolved were improper to be laid upon the table, should come down again, and offer to the House a resolution grounded upon certain facts relative to the same subject, of the existence and foundation of which facts the House had not the slightest vestige of proof before them. The learned lord took notice of what he termed irregular and disorderly manœuvres, which had been practised that day by noble lords, who had so lately supported their motions for papers, with arguments calculated to persuade the House, that unless the papers were produced, it was impossible to proceed a step farther upon the subject of them, and therefore who might have considered the determination

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of the House upon those motions as their declaration, that they thought the subject unfit to be agitated, standing up in their places with loose and unauthenticated pamphlets in their hands, and saying repeatedly, that they assumed the facts stated in such publications as authentic, and therefore called upon their lordships to agree to resolutions turning altogether upon the facts so assumed. He asked with what reservation of respect for that House did any noble lord presume to adopt a mode of proceeding so contrary to order? Having put this question, he reprobated the pitifulness of the triumph of getting the papers into print, which that House had refused to have put upon their table, and in severe terms reprehended their publication; declaring, that whoever of the East India directors had handed them to Mr. Debrett, had been guilty of scandalous treachery to that body of men with whom he acted, to his constituents whose affairs he had been called upon to direct, and to the public at large. He asked what was the aim of bringing forward such questions as those that had been moved that day? Why would not the noble lords proceed to crimination immediately? It would be much more manly to come forward with a charge, if any they meant to suggest, than thus by insinuation and side-wind motions throw out hints, that tended to affect men's characters, and from which it was impossible for any men, however unimpeachable their conduct, to defend themselves. But even were such a motion as the present acceded to, what could be done upon it? Was it with a view to ground a motion for an Address to his Majesty to remove the present board of control? Did not the noble lords know, that they, as a House of Lords, could do nothing in such a business, and if they were to vote an address to the crown, the crown had not the power to comply with it. The only possible parliamentary proceeding, if any noble lords thought the present board of control unworthy of their trusts, was to move, to bring in a bill for their removal, and if so, that House would scarcely be thought the fit place for such a motion. His lordship went pretty much at large into the consideration of the nature of the several debts, stating the difference between each, and declaring that they had been as carefully investigated by the board of control previous to their having sent out the orders, as the records of the East India Company, which were replete with every degree of information that the subject stood in need of, would admit. He spoke of the bonds that had been assigned, and said they were a species of funds as negociable as the French actions, or our stocks. He discussed the matter of Mr. Hastings having proposed to pay off the whole of the debt of 1777, *in solido*, upon the creditors consenting to abandon 25 per cent. of all their demands, and accounted for that proposition not having been accepted, by declaring that the reason was merely because Mr. Hastings had made it; for the fact was, Mr. Hastings had not proposed it compulsorily, but as a matter that was feasible, provided the creditors consented, which care was taken they should not do, lord Macartney having written back from Madras to Bengal his reasons why the plan could not be carried into execution, and the very first of those reasons was a declaration that the creditors would not consent. He observed, that lord Loughborough had complained of the mode prescribed by the board of control for objections to be made to the debts of 1777, and had appealed to men of his profession, whether the ordinary course of proceeding in courts of justice, was not directly the reverse? To which question, he, for one, must answer, he never knew that the ordinary course of proceeding was the reverse. The usual mode of detecting a fraud, or collusion, being for the party accusing to make a charge and establish it by proof; not for a man to prove himself innocent, before he was accused. The learned lord forgot, that the bond was a presumptive proof of the validity of a debt. His lordship said farther, that was the first time he had ever heard, that the debt of 1777 was contracted by the nabob upon motives of policy, and with a view to secure himself in possession of his throne and dominions, by making it the interest of his creditors that he should hold both the one and the other. He had ever understood the fact to be, that the nabob was extremely distressed at the time the loan was made, and that he paid the produce of it into the treasury of the East India Company at Madras, by way of re-imbursing the Company in part of the heavy expenses they had been at to conquer back from the French his dominions, and re-instate him on his throne.

The question for adjournment having been withdrawn, the main question was

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put, when their lordships divided: Contents, 24; Non Contents, 73.

Debates in the Commons on the Newfoundland Trade Bill.] Feb. 2. Mr. Pitt informed the House, that a difficulty had arisen with regard to the supplying of the island of Newfoundland with bread, flour, and live stock, to which it was a doubt whether the Intercourse Bill with the United States extended; that it had therefore been thought advisable to provide for it by a short Bill, rather than by the insertion of any clause in the old Bill, for the continuance of which for a longer period, he had so lately moved. He then moved, "That this House will immediately resolve itself into a committee, to consider of the trade between the ports of the United States of America, and his Majesty's subjects in the island of Newfoundland." The Speaker left the chair, and Mr. Gilbert went to the table, and after a short time reported that the committee had come to a resolution, which was as follows: "That leave be given to bring in a Bill, for confining, for a time to be limited, the trade between the ports of the United States of America, and his Majesty's subjects in the island of Newfoundland, to bread, flour, and live stock, to be imported in none but British-built ships, actually belonging to British subjects," &c. The same was ordered to be brought in.

Feb. 7. Mr. *Eden* having ordered the clerk to read the title of the Bill, moved for by Mr. Pitt on the 2nd instant, said, that there was one prejudice which, in the entry of this business, he was exceedingly anxious to remove. He did trust they would give him credit for meeting this subject as much divested of every degree of party zeal or passion as it was possible. The idea originated in his own conceptions of the matter. These he had communicated to some gentlemen much conversant in our mercantile laws, who had all uniformly agreed with him in the principle, to which he would now attract the attention of the legislature. And no time, in his apprehension, required the House to proceed with greater reserve, moderation, and attention to the system of laws in being than the present. When he considered the situation in which we were placed, the increasing extent of our finances, and all the infinite variety of demands which referred to our public expenditure, his heart did not swell, he was not very proud of the burthens which we still found ourselves able to bear; but he was indeed most seriously solicitous that none of those many resources which we still retained, might, by the temerity of the legislature, or the imprudence of our government, be impaired or debilitated. It was not now the season, and he did not incline to expatiate on our commercial advantages, or the manner of improving them. It was his great object that none of them might be neglected or impeded in that operation which was naturally to be expected from them, provided they were not otherwise obstructed. This was the point to which all his observations were directed, and which he hoped would influence the House in whatever decision they should agree. The face of the measure he deemed hostile in a singular degree, to that spirit of liberality which he presumed ought to predominate in all commercial regulations whatever; the leading idea held forth by the title he had mentioned, was a distinction in trade. He was not, however, certain to what extent the principle might be carried; it appeared to him to be so generally and loosely worded, that it might be carried to the most dangerous extremities. He then stated the present situation Great Britain stood in with regard to other countries as a commercial state, and how her regulations of trade were calculated to affect those states with whom she stood in this predicament. The disquisition now turned on a multitude of legal obstructions, in which the hon. gentleman called on his learned friends on the treasury-bench to contest the doctrines, which he submitted to their attention and consideration. He knew no law, for his part, which authorized any such restriction as seemed intended by this Bill. He wished the authors of it had sufficiently considered the consequences of passing it into a law. He recurred again and again to the tenderness and circumspection which ought now especially to be exercised in all our attentions to commerce. The United States could not help themselves, or by any means, within his knowledge, accommodate their trade to such impositions as this Bill held forth. He was not sensible that any emergency impelled us to such a measure; it was of too much importance to be hurried over slightly; he trusted gentlemen would revolve it in their minds, and prepare themselves for giving the subject an effectual discussion.

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The hon. gentleman brought the following quotation from Montesquieu, in confirmation of his commercial ideas: "When a foreign commerce with a colony is prohibited, it is not lawful to trade in those seas, except in such cases as are excepted by treaty. Nations who are, with respect to the globe, what individuals are in a state, like these, are governed by the laws of nature, and by particular laws of their own making. One nation may resign to another the sea as well as the land. The Carthaginians forbade the Romans to sail beyond certain limits, as the Greeks had obliged the king of Persia to keep as far distant from the sea-coast as a horse could gallop. The great distance of our colonies is not an inconvenience that affects their safety; for if the mother country on whom they depend for their defence is remote, no less remote are those nations who rival the mother country, and by whom they may be afraid of being conquered."

Thus far he had quoted an elegant and masterly foreign writer on this important and intricate subject; but a book but very lately published by Mr. Chalmers, had very largely and liberally discussed the point*. He trusted, every gentleman who wished to understand the matter in debate, had got the valuable tract he referred to, and he would therefore decline any quotation; but he was happy to agree with that very able and intelligent author in most of his leading principles, and the commercial concerns of this country. The new aspect which the independence of America had given to the Western continent, made every disquisition of this kind peculiarly delicate and interesting; he was, however, so well founded in his general idea, that he could wish it to undergo the strictest investigation. The application of what he had with great sincerity suggested on these topics to the Bill before the House, or which the House had given leave to bring in, was obvious, and ought to procure attention. The contents of the Bill he knew not; it was the title to which his reasoning and objections chiefly went; this he was desirous to alter, and render consonant to such a regulation as should comprehend the case in question; he was sufficiently aware how dry and unacceptable such disquisitions often are to gentlemen, especially on the first hearing; but he trusted he should be able to follow the measure, step by step, and expose the absurdity of it in such a manner as to obtain the suffrage of the House; and as party had no concern in the issue, he was not without hopes of support in a matter thus replete with the prosperity or decline of the British commerce. Such a question in that assembly was always of much real importance; but the circumstances of the time rendered it peculiarly so at present. He believed that at this moment there were no less than five different treaties of a commercial tendency between this country and others depending. So unprecedented and rash had the United States of America been in the management of their commerce, that it was impossible for them to do any thing which, by proper attention on our part, might not be rendered advantageous to us.

Having stated his reasons for thinking that the present system of our trade and navigation laws, however inapplicable to abstracted theories of free commerce, was become essential to this country from her peculiar circumstances; and that it was this system alone which could enable an island like Great Britain to maintain a flourishing trade and landed opulence, together with public credit and naval strength, under the pressure of accumulated taxes, to the amount of 50*s.* a head for every individual in the community; and having also shewn this system, so far as it has hitherto monopolized not only the navigation, but the supply of the British colonies, was conformable to the law of nations, to the usage of every known empire in the world, to various existing treaties, and, lastly, to the municipal laws; he proceeded to say, that he might perhaps have rested his objections to the present Bill on the two great grounds of expediency and of analogy. "I might," said he, "fairly have inferred, that if a new empire arises upon the face of the globe, the question shall not be in what quarter of the world such a phænomenon appears; there is no reason in common sense why the locality should make any difference, or give a claim to any distinction. If a new empire arises, that empire must conform to what has been the practice respecting all other empires: if that practice is clearly known, you are not to inquire whether the new

* "Opinions on interesting subjects of commercial law, and commercial policy, arising from American independence." By George Chalmers, Esq.

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state is situated in the Baltic or the Mediterranean, in the Atlantic or the Pacific Ocean. Such a state, wherever found, must take the disadvantages incident to dominion, together with the imaginary sweets of her independence. By the act of her independence, she is become foreign as to Great Britain, and foreign produce cannot go to British colonies without being previously landed in this kingdom." Perhaps he might be told that there had once existed an intercourse between the British colonies and the French and Spanish islands: to this he would answer, that it was a commerce contrary to positive treaties existing then, and at this day in force; and it had never been authorized by any positive law. It was true that there were acts of parliament to charge a duty on the imported produce of foreign islands; but there were no acts to authorize the clearances outwards to those islands, or the cockets of entry and importation. That trade had always been both irregular and clandestine; but if it had been otherwise, it would have amounted only to a limited communication between two neighbouring colonies, for the mutual advantage of the two parent states, which was a consideration differing totally from a direct trade between a colony and an independent state. In observing this, he must again repeat, that the present Bill assumed for its principle, that an unlimited trade in the British-built ships between the New States and the remaining colonies had legally subsisted ever since the peace. Here, then, he would contract the whole argument, and would rest it on one point: he would assert with confidence, 'That no country, by changing its sovereign, can acquire thereby new rights in the dominions of that sovereign;' or, to state that proposition more specifically, he would say, 'That the laws of this kingdom, regulating the trade and intercourse between two British colonies, remain in force and effect, notwithstanding the subsequent separation and acknowledged independency of one of those colonies, until the same are altered by parliament.' If proofs of this were wanting, he would refer to Dunkirk, from which port French wines cannot at this day be brought; because, when the Act of Navigation passed, Dunkirk had not yet been sold, and has never since been acknowledged as French in any act of parliament. In like manner, and at this hour, by an unreasonable strictness, Riga is not considered as a Russian, nor Stettin as a Prussian port; for the mere change of dominion makes no variation cognizable by the officers of revenue, or the courts of justice.

But lest it should be wished to raise distinctions against precedents, in support of a point which seemed self-evident, he would refer to the Act of the 23rd of his present Majesty: that Act dispenses with certain instruments on the arrival of vessels from the New States in British ports; but similar instruments were at the same time requisite, by subsisting acts, on the arrival of vessels from the New States in the ports of the colonies; and the instruments last mentioned were left unrepealed. The whole subject at this time had undergone very full discussion, and the legislature had said, 'We will repeal a part of the restrictions; but we will also leave a part of the restrictions untouched.' Could there, under such circumstances, remain a doubt of the construction and intentions of the law? The same Act had been re-enacted five times under two parliaments and two administrations; and yet the House was now to be told that the proceedings of both parliaments had been erroneous, and that the colonies, by changing their dominion, were entitled to be in a better situation as to this country, than all the foreign powers of Europe; in short, that the provisional articles of peace had superseded the commercial acts of parliament. To such doctrine, he felt decidedly adverse in every view of justice, expediency, and law. He seriously regretted that it had been brought forward. Those who espoused it with most warmth, surely must have some doubts respecting it; and yet they also must foresee, that it would bring upon them a choice of difficulties. They had now forced on this country the necessity of regulating, by positive law, what might have been settled with better advantage by treaty; for it was evident, that parliament must forthwith proceed without delay to establish a system of restrictions between the New States and the Islands, and Canada and Nova Scotia. He moved, "That the order of the 2nd of February be discharged."

Mr. *Jenkinson* defended the title of the Bill, and stated the origin of it to have been this: last year there was a very great scarcity of provisions in Newfoundland; it happened that some vessels arrived from America, laden with provisions. The governor of Newfoundland, a very worthy officer, was puzzled how to act; his own

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opinion was, that the provisions might be legally imported: he summoned a council, and took the best advice he could obtain upon the spot; the council were unanimously of opinion with the governor, and, under that sanction, the provisions were permitted to be imported, and the governor wrote an account of the proceedings, and sent it home, with a requisition of the advice and authority of government how to act in similar cases in future. The subject had come before a council at home, Mr. Jenkinson said, at which he had assisted; and as gentlemen would see it was necessary to come to some decision on a point of so much importance to the trade and navigation of the country, and either to censure the governor, if he had acted wrong, or to draw a line, founded in policy and expediency, for his conduct, and that of other governors in time to come, if he had done what was right, the Bill, the title of which was then under discussion, had been drawn. That the title was a proper one, he had never entertained a doubt. The ground of his opinion was this: there was no existing law that prohibited the colonies trading to the colonies of foreign powers in a legal manner, that was, in British-built ships, legally cleared. Now, no axiom was more incontrovertible, than that what was not prohibited was permitted. The first question, therefore, he would desire those who objected to the order to answer was, that he had just stated. If there did exist a law prohibiting the colonies trading to the colonies of foreign powers in British ships, legally sailing, let that law be pointed out to him. Much of the seeming mystery, in which one of the plainest propositions possible had been involved, arose from the laws of trade and the laws of navigation having been repeatedly mistaken for each other, when nothing could be more distinct than their separate objects. Not that he meant to throw any personal blame on those who mixed them in their arguments at this time; they had been so mixed repeatedly; nay, they were blended in almost every one of the statutes that referred to trade and navigation. From this remark he proceeded to define what the laws of navigation pointed to, and what the laws of trade. He then traced the history of the restrictions imposed on the colonies for the mother country, from the year 1705 to the present æra, and afterwards stated the usage at all the different periods. Having thus laid down the law and the fact, and argued upon the construction of different acts of parliament, and applied that construction to the present case, he ultimately contended that the order was correctly worded, and that the arguments *è contra* were founded in misconstruction of law and misapprehension of usage, and, therefore, he should vote against the motion.

Lord *North* strenuously contended that, in conformity to the spirit of the Intercourse Act, and in conformity to the language of the proclamations that had been issued under it, the Bill to be brought in should be a bill of extension, and not a bill of restriction. He hinted, that as the order and title of the Bill would extend its operation to Ireland, great care should be taken to prevent a jealous neighbour and a jealous sister from taking an alarm, and conceiving that the British parliament meant to legislate for that kingdom. This was a matter that would require infinite caution; indeed the whole object of the Bill involved a question of as much importance as had ever been agitated in that House.

Mr. *Pitt* said, the subject had been so fully and so ably argued by the right hon. gentleman near him, that there remained little more for him to do than to take up a few minutes of the time of the House in suggesting some short remarks, as well upon what had been said without reference to the question before them, as upon those arguments that did apply to it immediately; and, first, he would begin with the latter. Mr. Pitt then remarked to the House, that though on the day when the present matter was first agitated, it had been declared that the order militated against the Navigation Act, and a gentleman had in a manner pledged himself to the House to prove it; that pledge had not been that day made good: on the contrary, the argument relative to the violation of the Navigation Act had been abandoned altogether, and they had not heard one word about it; but the question had been defended by speculative constructions of the Acts of the 4th of George 3, and upon the construction of different Acts of the present King, upon words that were not to be found in those statutes, and upon a proclamation that undoubtedly was erroneously worded: These assertions he proceeded to argue on, and having gone through them, he said, he would take notice of what had been introduced into the debate without any connexion whatever

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with the question. What he alluded to was, the suggestions which the noble lord in the blue ribbon had dragged into the present debate so unnecessarily and improperly, on the subject of Ireland; suggestions that, with whatever motives they might have been introduced, could not but have the most mischievous tendency, inasmuch as they were calculated to spread alarms in that jealous neighbour and sister kingdom, as the noble lord had thought proper to term Ireland. He declared his astonishment how any man could rashly venture at hints of so delicate and dangerous a nature, but most especially that the noble lord should have done so, who must, from experience, have learnt the temper of Ireland, the readiness with which men's minds took alarm, and the difficulty that attended every adjustment under the present circumstances of the respective countries. No man who had any regard for the welfare of Ireland, or the common interests of the two kingdoms, he should have imagined, would have done any thing to create alarm, when there was not the slightest cause for such alarm, nor could he easily be brought to think that it was done but with a mischievous design to foment discord, and insure the continuance of disunion.

Mr. *Eden* said, the right hon. gentleman's argument relative to his not having reasoned from the Navigation Act, was enough to have provoked any man to the rudeness of telling the right hon. gentleman that he had never read the Navigation Act. What had the chief stress of his argument been laid upon, but that Act, which he had quoted the language of, to prove that he was right in his view of the question? Mr. Eden read from the statute those words which he had before quoted.

Lord *North* also defended himself from the attack that Mr. Pitt had made upon a part of his speech. He said, he should always thank the right hon. gentleman for correcting any error he might fall into, but he should not have held the favour of that day in less estimation, if the right hon. gentleman had left out that remark, that he could not be a friend to the welfare of his country, who should presume to mention Ireland in that debate. His lordship stated, from the very wording of the title of the Bill, that Ireland was expressly comprehended in it. The words 'his Majesty's European dominions,' undoubtedly referred as well to Ireland as to Great Britain; so far, therefore, from the mention of Ireland being irrelative to the question, it was as closely referable to it, as any other consideration that had been agitated. But it was evident that the right hon. gentleman had determined, that he never should open his mouth in that House, without his experiencing a most uncandid and unfair construction of his words. Instead of answering his arguments, the right hon. gentleman made it his constant practice to charge it as an intention in the noble lord to excite unnecessary clamours, to promote mischief, to create difficulty, and to embarrass government. These charges he should ever meet with a positive and flat denial. He had no such design, nor had he that day said a syllable that, fairly weighed, would be found to warrant any such construction. What he had said before, he would repeat again; the Bill clearly referred to Ireland; in what manner the clauses would be worded, he could not pretend to say, because they were not before him; but it would be an extreme delicate matter to manage. They ought to be cautiously worded, lest Ireland should take alarm, and cry out, that the British parliament ought not to legislate for them. What was there in his suggesting this, more than if he had said in plain terms: "Let his Majesty's ministers take care. I warn them of their danger! They have a difficult matter before them, and these are the peculiar circumstances that constitute the difficulty."

Mr. *Fox* said, it might be deemed rash and presumptuous in him, to presume to cope with the right hon. gentleman, and the learned gentleman on the bench near him, on points of law, and the construction of acts of parliament; but he thought the subject so self-evident and obvious, that he would venture the contest. He then proceeded to combat the various positions laid down in the course of the debate on the opposite side of the House, and maintained the direct reverse of most of them. He took up the cause of lord North, and supported what he had said on the subject of Ireland, asserting that the noble lord had rather deserved the thanks of the minister than his censure. He declared, for one, that he considered all the right hon. gentleman had said in such lofty language, in reprehension of his noble friend, as a collection of high-sounding words signifying nothing. He added, that had the noble lord when in office, or had he when in office, received such friendly hints, previous to their

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bringing in bills, perhaps many very loosely-worded acts would not now have disgraced the statute-book.

The *Attorney General* contended, that the order was perfectly correct. He went into the consideration of the different statutes that had been cited, and turned into ridicule an argument that Mr. Fox had used, that all colonies that were colonies to a mother country, when an existing act of parliament remained in force, were to be considered as such, till a new statute placed them in a different situation. If this position were true, Mr. Attorney said, America was now intitled to all the privileges of free-born subjects. She had as justifiable a claim to those privileges, as to the rights she formerly enjoyed under our navigation laws, which he conceived to consist of two statutes, one passed in Charles 2's reign, another in that of king William.

Mr. *Eden* said, it appeared to him that all the facts which had been laid down by himself and his friends had not been controverted, and that several assertions made on the opposite side of the House had not been proved. Much of what had happened might have been avoided, had they proceeded in the business regularly, and first gone into a committee of the whole House upon the subject, contented themselves with that for one day, reported the resolution the next, and so proceeded in stages with the deliberation due to a business of so much importance.

Mr. *Bearcroft* said, he understood very little of the subject of debate, and he verily believed the gentlemen who had taken part in it on both sides the House, were more competent to discuss it than he was, or all the lawyers in Westminster-hall put together. What little he did understand, however, obliged him to express his surprise and his indignation. What he alluded to was, that of all men the noble lord in the blue ribbon should have been the person to stand up in that assembly and complain of their agitating a Bill, which professed in its title to refer to his Majesty's 'European dominions.' Good God! was the House, and was the country sunk so low, that the British parliament was to be afraid of discussing any bill, that professed to relate to his Majesty's European dominions, from a fear that Ireland should feel a jealousy at their doing their most essential duty? Was such a suggestion to be endured? The noble lord's remark was certainly but a trifle; but the noble lord should have recollected, that

> ———Trifles light as air,
> Are, to the jealous, confirmation strong,
> As proofs of holy writ

Sir *James Erskine* defended lord North from the charge of the learned gentleman, appealing to the recollection of the House whether his noble friend had uttered a syllable, that could lend colour even to a charge against him of having found fault with the order merely because it stated the title of a bill, professing a reference to his Majesty's European dominions.

The *Solicitor General* said, the language of the noble lord had struck him exactly as it had struck the learned gentleman. What the noble lord had said, appeared to him to have been extremely improper. Mr. Solicitor passed an encomium on Mr. Bearcroft, and said, he would venture to assert, that his learned friend would always speak an honest meaning in the language of plain sense, and never rise without giving the House that satisfaction, which constantly resulted from an obvious union of integrity and information. Mr. Solicitor spoke shortly to the question, and supported his learned leader in that part of his argument which went to the controverting of Mr. Fox's position, in regard to the relative state in which countries were legally considered to be at any given period.

Lord *North* rose once more to observe, that his meaning had obviously been mistaken by an honest and learned gentleman, who had lately declared himself offended at his having complained of the title of the Bill on account of it professing to refer to his Majesty's European dominions. He certainly had not made any such complaint, nor had such an idea been once in his thoughts. He had not offered the smallest objection to the title of the Bill; indeed, there could be none; all that he had done was this: he had suggested that it was a Bill of infinite importance, and that great caution ought to be used in wording it.

Mr. Eden's motion was negatived, and the Bill brought in and read a first time.

Feb. 14. Mr. Pitt moved, that the House should resolve itself into a committee on the Bill. He said he did not intend to move to revive the order for the attendance of any persons to be examined as witnesses, being fully convinced that

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such an examination was wholly unnecessary, and that the House might with great propriety proceed to pass the Bill, upon the notoriety of the reasons that rendered such a bill necessary.

Mr. Alderman *Watson* said, he had moved for several gentlemen who were respectable merchants of London, and one of them a gentleman from Canada, to attend, in order that they might afford the House that information that he conceived they ought to have, before they could judge of the necessity for passing any such bill. Those gentlemen were then attending, and would be able to prove at the bar, that no such bill was necessary; that the average prices of bread and flour in Great Britain had been considerably cheaper than the average prices of bread and flour at Philadelphia, or in any part of the United States, for a stated number of years: that this country was fully able to supply Newfoundland with bread, flour, and live stock; but if by any accident the merchants here were prevented from sending out a proper supply of provisions, a very considerable one might be drawn from Quebec, as good and as cheap as from the United States, and that consequently there could not exist any reason why the trade of Great Britain and her colonies should be delivered over to a foreign power.

Mr. *Cruger* controverted the alderman's assertion relative to the province of Canada being capable of supplying Newfoundland; he knew not, he said, whether the motive for the assertion was interest, or prejudice, or that worse impulse, an inveterate attachment to the spirit of monopoly, for which some of the Canadian merchants were remarkable. He said, he left the country only last August, and while he was in Philadelphia, two ships, in which Mr. Blakes of London had a principal concern, came there to be freighted with flour for Canada, where there was a great scarcity. The flour cost 13*s.* the cwt. at Philadelphia, and sold for 22*s.* at Quebec. This was a fact which he well knew; and in order to be more correct in it, he had very lately seen Mr. Blakes in town, by whom he was assured, that a profit of 40 per cent. was made upon the cargoes. He urged the expediency of encouraging the United States to continue their commercial intercourse with us as much as possible; he said our glory depended on our wealth, and that were it not for our commerce, we could not have afforded to have carried on a war with America for six years together, at the expense of 100 millions of money. He spoke, therefore, as a merchant, whose attachment was to Great Britain alone, and who regarded her prosperity as superior to every other consideration. He declared his wish, that the Bill might proceed as it was.

Lord *North* said, the present Bill did not turn upon any general principles, that would admit of general reasoning, but upon facts. The House had heard an assertion of the worthy alderman's contradicted by an assertion of the hon. gentleman who had just sat down; here, therefore, was assertion against assertion; the fact was at issue, and it remained for the House to try it. As no way could be adopted so proper for ascertaining which assertion was the true one, as hearing evidence, he hoped there would not now be any objections to the proposition.

Mr. *Holdsworth* explained the nature of the Bill, and its origin. He said, that all the parties interested in the subject of the Bill, viz. the merchants of London, Poole, and Dartmouth, and the merchants of Canada, had given evidence before a committee of the privy council, and that the Bill was a sort of compromise among them all.

Mr. *Fox* denied, that the Bill was any sort of compromise, as was evident from the present opposition to it on the part of the merchants of London, and the Canadian merchants; but from what the hon. gentleman had said, he conceived, that the House was called upon to give government confidence upon their assurance that what had come out before the committee of privy council, made the Bill proper to be passed. Now he was ready to give that confidence, provided he was sure that such confidence was necessary; and more than was necessary to be given to ministry on any occasion by that House, undoubtedly ought not to be given. Mr. Fox declared, he, for one, had not made up his mind upon the subject; and before he did so, he should be glad to hear it farther discussed. He wished, therefore, that the worthy alderman's witnesses might be heard, and perhaps it would be necessary to hear the testimony of others; not only those, who could speak on behalf of the merchants of Poole and Dartmouth, but also those who had a local knowledge of the island of Newfoundland. It might be proper to call admiral Campbell to be examined, who

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could certainly have given the House a great deal of information well worth their hearing; indeed, he had some thoughts of moving for that purpose, but he did not know that the Bill would have come under consideration that day.

Mr. *Jenkinson* recapitulated what he had formerly mentioned upon the subject, repeating the fact of admiral Campbell's having granted permission to some ships freighted with provisions from the United States to unload, and dispose of their freight at St. John's in Newfoundland, relating likewise the progress and circumstances of the inquiry it had occasioned here at home. The committee of privy council, he said, had examined witnesses sent by all the parties interested, and had heard assertions of the most positive nature contradicted by assertions equally positively given; at length, after a long inquiry, it appeared to them to be absolutely necessary to come to parliament with the business; but, as the matter required a great deal of deliberation, it was thought prudent to prepare the present Bill, and to pass it as a temporary measure to quiet the minds of all concerned, and to prevent the possibility of Newfoundland being again distressed as she was last year, in consequence of no provisions having been sent out from home; leaving the subject open for subsequent and more serious deliberation. Mr. Jenkinson stated, that Canada one year, and that nearly ten years ago, had grown and exported vast quantities of flour; but, from that time to the present, she had been obliged to send to Philadelphia and elsewhere to buy provisions; and that in fact Quebec was not a flour country. There was not much likelihood, therefore, of Canada being able to furnish Newfoundland with a complete supply, much less with a supply equal to what could be furnished from this country. Mr. Jenkinson complimented Mr. Fox on his candour.

Mr. *Pitt* rose to state his reasons for deeming the examinations of the gentlemen then attending unnecessary. He stated first the extreme necessity of dispatch in passing the Bill, if passed at all; then the impossibility of hearing witnesses on behalf of one of the parties interested, unless they proceeded to hear the witnesses of the other parties, which could not be done without great delay; and lastly, that the present Bill did not at all affect the interests of the several parties alluded to, because, considering the existing law to be, that an unlimited intercourse between the United States was not prohibited by any known statute, if no Bill passed, a much larger field for competition would remain open, which could not but operate in a greater degree to the prejudice of the merchants of London, the merchants of Poole and Dartmouth, and the merchants of Canada.

Mr. *Eden* said, that though it was not regular to debate the propriety of admitting witnesses, when there was not yet any question for their admission before the House, he believed it would ultimately save time to blend that consideration with the discussion of the more general question for committing the Bill. Gentlemen seemed to infer, that because it was a Bill of great moment, they ought to proceed to the technical business of filling up the blanks without farther information; that because the committee of council had found it an inquiry of difficulty, and open to much contradictory evidence, it would be expedient for the House not to be troubled either with inquiries or evidence; and that because the committee of council had satisfied themselves that some measure was absolutely necessary to secure a plentiful and cheap supply of provisions to Newfoundland, the measure now brought forwards ought to be adopted by parliament without demur or hesitation; and that the doors of the House should be kept shut against a crowd of respectable merchants, although a representative of London had declared that those merchants were desirous to be heard on the proceeding. An hon. gentleman had said, that witnesses were unnecessary, because it was notorious that Quebec was not a flour country, and that flour and bread had been sent last year from Philadelphia to Canada. It was a plain and true answer to this, that, from a severity of seasons, there had been a scarcity of corn last year in the province of Quebec; and one object of calling witnesses, was to shew that Quebec was this year well able to supply the fisheries, and at half the price which was paid last year. If Quebec was not to be a flour country, her prospect was melancholy indeed; for the unhappy and disgraceful destruction, which had been made in all her hopes of the fur trade by the provisional articles, had left her without any other resource. Gentlemen had talked of wealth being a foundation of glory; they would have expressed themselves with more propriety, if they had talked of agri-

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culture as the foundation of wealth. Respectable gentlemen from Canada were attending to shew that the improvements of their province would be injured by the proposed Bill; merchants of London requested also to be heard; and parliament would refuse to hear them. There was in this something so unprecedented, that he had attended to the reasons with peculiar anxiety. Those reasons all ended in this single point, that receiving evidence would occupy some time; and that it would be injurious to the fisheries if certain means of supply were not immediately settled. This argument might have come consistently enough from him, who contended that there was not at present any trade legally subsisting between the United States and the colonies; but it came strangely from those who said that the trade and intercourse was at present completely open, and not subject to any limitations. This, however, was one of those consequences which naturally result from the adoption of a mistaken principle. Besides, was it so perfectly clear that the authorizing British ships to bring provisions from North America, would tend to make provisions more plentiful in Newfoundland? Perhaps that very circumstance was most likely to add to their scarcity. The market of Newfoundland could only consume a limited quantity; every thing beyond that quantity would be a loss to the importer: and was it not probable, that the British market on this side of the Atlantic, and the American on the other, might equally hesitate, under the uncertainty of sending to a glutted market? Such hesitation would increase the scarcity which this Bill meant to remove. There was another objection; the freights of the British merchant would be lessened—the price of his fish must be raised. Another objection arose from the facilities to be given to smuggling; and another from thus quitting the old policy, and encouraging a resident inhabitancy of Newfoundland. Still, however, if the expediency were clear, it was at least right to receive the informations of the merchants upon it: was it to be feared that too much knowledge of the subject would do mischief? Still farther, if it were urgent, it did not follow that the relief might not be given in another mode, and under the discretionary powers of the council, which might be prolonged for that purpose. He insisted much on that, being extremely unwilling to introduce systems, by act of parliament, contrary to that monopolising system, which, however described by theoretical writers, must be considered as the rock of salvation and strength to this country, under the pressure of all her debts and taxes. He would never consent to swerve from that system, without being convinced of the necessity.

Mr. *M. A. Taylor* rose to state, that the merchants of Poole wished exceedingly to know by what means Newfoundland was to be supplied this season, that they might then take measures accordingly. Mr. Taylor said, the Poole ships were now empty, their owners waiting to know what Bill parliament passed before they freighted; and as the time for sailing for Newfoundland was in the month of March, it was highly necessary that the Bill, if it were to pass, might pass with as little delay as possible.

Mr. *Fox* said, it was evident ministers had deemed some Bill necessary, and had brought in the present with a view to learn what the House thought of it. He had not made up his mind upon it; but he did not conceive it would, upon farther investigation, turn out, that a Bill was the best medium for surmounting the difficulty that had occurred. He thought it would have been better to adjust the matter by a proclamation of the King in council, especially as the object was avowed to be temporary. He wished to know why it could not be done that way?

Mr. *Jenkinson* said, the opinion of the Attorney and Solicitor-general had been taken, and they had declared, that it could not be done by a proclamation, as the Act, enabling his Majesty in council to issue proclamations for the regulating a commercial intercourse between Great Britain and America, would expire before the object of the present Bill could be effected. Government had, therefore, no choice but to come to that House, and bring in some Bill or other.

The Speaker put the question, "That the House do resolve itself into a committee," which was carried. On the question, "That the Speaker do leave the chair,"

Mr. Alderman *Watson* said, he certainly should move for a witness to be called in; but, previous to his doing so, he begged leave to state, that he considered the Bill as a bill of great moment, since upon it would depend the grand question, whether Great Britain should keep her trade in her own hands, or give it to foreign powers? After expatiating at large on

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the powers of Great Britain to supply Newfoundland much cheaper than the United States could do, he said, the object of those who were most anxious to get the Bill passed was not to supply Newfoundland with bread or flour, or live stock, but to smuggle New England rums, made from French molasses, into Newfoundland. He laid great stress on this assertion, and described the nature of the trade that would be carried on under sanction of the Bill, if it passed. He asked whether France allowed the United States to supply her West India islands with provisions. So far from it, the intercourse had been expressly forbidden not a month ago. The reason was obvious. Why, then, should we do that which France, who was more immediately connected with America, thought it good policy not to do? He declared we might just as well pass a Bill, permitting France herself to supply Newfoundland with provisions as the United States. He concluded with moving, "That Mr. John Brickwood do attend the said committee."

Mr. *Beaufoy* said:—The arguments for hearing evidence at your bar on this occasion, seem to be principally founded on the supposed importance of the facts brought forward to your notice by the hon. alderman. To examine these facts, and to consider how far, if proved, they would be material, is, therefore, the natural course of deliberation. I listened with attention to the hon. alderman; but great indeed was my surprise when I found that the facts he produced, and the arguments he urged, led to conclusions the reverse of those which he laboured to establish. He endeavoured to prove that the regulations of the present Bill are incompatible with the interests of our West India settlements, and destructive to their commerce; while to me it appears evident, on his own ground, that the Bill is peculiarly formed to defend their interests, and to protect their commerce: for if the intercourse between the ports of the United States and those of Newfoundland, in British bottoms, be an evil, it necessarily follows, that whatever narrows and circumscribes that intercourse, must limit and curtail the evil. As the law now stands, the intercourse in British ships between the isle of Newfoundland and the dominions of the United States is without limitation or restraint; but this Bill confines that intercourse to such British ships as shall have obtained, either in England or Ireland, a licence for the purpose. What then, is the hon. gentleman's language? He first complains of a grievance to the West India settlements, and then opposes the very means of diminishing that grievance, and of reducing it within the narrowest bounds. I am persuaded the merchants and planters will not thank him for his zeal.

Perhaps it may be said, that the intercourse, even in British ships, between the ports of Newfoundland and those of the United States is at present unauthorized by law. This opinion can only be founded on an idea that the Custom-house officers in Newfoundland have a right to demand from a vessel arriving from any of the ports of the United States, the same manifests and certificates that they would have a right to demand if the vessel arrived from a port in the British dominions. Now, I assert with confidence, that the Custom-house officers in Newfoundland have no right to demand a manifest or certificate from a vessel arriving from any other than a British port. If the vessel arrives from a foreign port, those documents are not demandable.

I may be asked, perhaps, what legal proof the officer has that the American port, from which the vessel arrives, belongs to the United States? On what legal evidence does he know that Boston and Charlestown are not, as formerly, ports of the British dominions? I answer, he knows it on the same evidence on which he knows that Surinam is no longer a British colony: he knows it on the same evidence on which he knows that Martinico is no longer in his Majesty's possession, and that Tobago is no longer ours: he knows it on the evidence of proclamations and of British treaties. And here I must state a distinction which, however obvious, has, in argument at least, been overlooked, between treaties that are British, and treaties that are foreign. The last, the Custom-house officer is not bound to know; but of the former it is his duty to be informed; for they are a part of the law of the land. To these grounds of legal knowledge must be added that of public notoriety, upon which the officer may unquestionably act without the smallest risk of censure from his superiors, or of removal from his place; without any possible diminution of character or loss of situation.

But I am ashamed, Sir, to pursue this discussion any farther, since nothing can

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be so uninteresting, for nothing is so trivial, as a debate between common sense on the one side, and legal refinements, founded on no principle, on the other. Without dwelling, therefore, any longer on this sort of reasoning, it is sufficient for me to observe, that, in fact, the intercourse in British ships between the ports of Newfoundland and those of the United States has, for the two last years, been actually established. Hence it follows, that the present Bill, as narrowing and circumscribing that intercourse, must, on the hon. gentleman's own principles, be exceedingly beneficial to the interest for which he contends. But leaving for a moment the particular argument, let us examine, what seems of still greater importance, the nature and tendency of the general maxim which the hon. gentleman labours to establish. The maxim is, that all intercourse, even in British bottoms, between the United States and Newfoundland, should be strictly prohibited; for all such intercourse, says the hon. gentleman, will be made a means of introducing the rums of New England to the ports of Newfoundland, and thereby of superseding, in the markets of that island, the rums of our West India possessions.

Now, let us examine the consequence to which the establishment of this maxim evidently leads; let us compare the loss that will arise if the maxim should not be admitted, with the loss that will follow if it should. If the intercourse of the island of Newfoundland with the United States should not be prohibited, our West India possessions will lose, it is said, the advantage of supplying the Newfoundland market with rum. What is the extent of this loss? The quantity of rum annually imported into Newfoundland, including what was brought from America, was supposed, before the war, to be little less than 250,000 gallons; but at present, as the island is less numerously peopled, the consumption is exceedingly diminished. Supposing, however, that the importation were still at its former height, the value of that quantity of rum, in the West Indies, would scarcely be more than 30,000*l*. The utmost loss, therefore, that the West India planters could possibly sustain would be the loss of the profit arising from the sale of 30,000*l*. worth of rum. Now this profit, at the rate of 20 per cent. could not be more than 6,000*l*. The possible loss, therefore, of 6,000*l*. per annum is the greatest evil that the West India islands can suffer from the intercourse of the United States with the ports of Newfoundland; this is the whole extent of the mischief. And on whom will fall the burthen of this mighty loss? It will be divided between the islands of Jamaica, Dominica, Barbadoes, St. Kitt's, and the rest of our West India possessions. It will be divided among men, the value of whose exports exceeds three millions a year.

On the other hand, what will be the extent of the evils that will arise if that intercourse be prohibited? The inhabitants of Newfoundland, and the rest of our fishermen who resort to its banks, must then depend for their subsistence on our remaining American colonies, Nova Scotia and Canada, or on Great Britain herself. From Nova Scotia they have at present nothing to hope. The land does not produce a sufficiency of food for the maintenance of its own people: they depend for a supply on the neighbouring dominions of the United States. From Canada it is admitted by all, that, at present, they have nothing to expect. The hon. alderman asserts, indeed, that in a few years the exports from Canada will be great; but surely, Sir, we shall not be guilty of such a mockery of our fishermen, as to refer them to the future produce of distant years, when they apply to us for present bread. It is of little moment to add, that, during the winter months and those of the spring, when the wants of the people of Newfoundland are the greatest, the gulph of St. Lawrence is bound up by the frost. Thus it appears, that, on this country alone, the fishermen of Newfoundland must depend for a supply; and, to that supply, the hon. alderman asserts that this country is unquestionably adequate.

Sir, I am sure the humanity of the House will not permit them to forget that, from this kingdom, corn is exportable only when its price in the market is below a certain standard. If then, as is often the case, it shall exceed that standard, what must be the situation of our fishermen, exposed at least to the distress of scarcity, perhaps to the horrors of famine? And who are the men that we are advised thus lightly to abandon? In number they are more than 20,000. What is their occupation? It is an occupation of little benefit to themselves, but of infinite advantage to their country. Miserable, at the best of times, is the subsistence they obtain; but valuable indeed are the returns they make

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to the kingdom to which they belong—not less than half a million a year; yet this return forms but a small part of their importance; for next to our coasting trade, theirs is the greatest nursery of our seamen: hundreds of new men are sent out every year: their employment gives them a peculiar hardihood of character. Experience has shewn that it is the best school of instruction. Treat your fishermen with justice; allow them the enjoyment of a right which, as subjects, they inherit, and to which they are entitled as men, the right of purchasing their corn at a fair market instead of that of the monopolist, and you will find, not only that your fisheries will be extended, but that as far as foreign markets are in question, they will soon be established on the ruins of every other. The French have never more than supplied, nor, with common prudence on our part, can they ever more than supply, the consumption of their own market. The Americans, excluded from our West India islands, find their fisheries rapidly declining; for as they have no other considerable market for their damaged fish, they are reduced to the alternative of either abandoning their trade, or of endeavouring to obtain, from an advance of price on their best fish, a recompence for the loss they must otherwise sustain from their having no market for their worst: but with this advance in the price, it is impossible they can long contest with us the possession of the Spanish or Italian, or any other of the foreign markets.

In this situation the American fishermen are seeking a refuge from poverty in the dominions of Britain. Such, Sir, is the flattering prospect before us, if our fishermen are treated with a common regard to the principles of justice; but if, deserting those principles, we consign them to the avarice of the monopolist; if we compel them to purchase their bread at the price which his rapacity shall establish, what must be the consequence? Fishermen are not like the cultivators of the soil, whose local attachments and predilection for their home will induce them to bear oppression to the utmost extent of human suffering rather than remove—without a local habitation, without a home, wanderers on the face of the waters, they will fly from distress to other employments, or to other employers; and what is the mighty advantage for which we are thus to hazard our most important interests—the advantage of preserving to the West India islands a certain profit of 6,000*l.* a year! How vast the stake on the one hand! How inconsiderable the object on the other!

Thus, Sir, I have canvassed the maxim the hon. gentleman has laboured to establish, "That all intercourse between the island of Newfoundland and the United States ought to be prohibited." But whatever he thought of his general argument, certain it is, that his reasoning, as applied to the provisions of this Bill, has utterly failed; for, on his own principles, these provisions must diminish the evils which he seems to dread, and narrow the intercourse that is the object of his fears. Other arguments against this Bill have also been urged. It was said by the hon. alderman that the agricultural interests of the kingdom are obviously inconsistent with the permission of furnishing Newfoundland with corn from the United States, for that England can furnish grain of every species at a cheaper rate, and ought therefore to have the preference. Sir, if this fact be true, England will have the preference; for what merchant is so blind to his own interest as to send his vessel to purchase corn at an extravagantly dear market, at 2,000 miles distance, when he has a cheaper market at his door? The hon. gentleman's argument may shew that, as far as the interests of British agriculture are in question, the Bill will be nugatory; but it certainly cannot prove that the Bill will be pernicious. Another objection to the Bill, was founded on the maxim that the merchants concerned in the fisheries should have the sole right of supplying the fishermen with bread. On this avowal of a scheme to establish a monopoly, as cruel in its principle as ruinous in its effects, I will trouble the House with no comment of mine: they have heard the proposal, and will decide upon its merits. But however the rapacious avarice of a few individuals may seem to place the interest of the merchant in opposition to that of the public, certain it is, that in this case, as almost in every other, the real interest of the merchant coincides with that of the kingdom; for it must be to the advantage of the merchant to purchase at a low price the fish which he brings back in return for the articles he sells. Now it is obviously impossible that the produce of labour can long continue to be cheap, if the provisions which support that labour are extravagantly dear. Thus, Sir, I have considered the various arguments that the enemies of the Bill

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within the House have urged. If it be thought necessary to examine evidence at your bar with a view of giving the witnesses also an opportunity of stating their objections to the Bill, I shall certainly acquiesce; yet I cannot but observe, that the merchants of Dartmouth and Poole, who think this Bill, though short of their wishes, is much for their interest, ought also to be heard. If evidence be examined on one side, let an equal indulgence be also shewn to the other. But whatever in this respect be the decision of the House, I trust they will extend their protection to a Bill, which is obviously recommended by the most powerful of all considerations, those of public interest, of justice, of humanity.

The motion for the attendance of Mr. Brickwood was negatived. After which, the House went into the Committee.

Feb. 15. On the order of the day for the third reading of the Bill,

Mr. *Fox* rose to oppose the motion, and to state his objections to the Bill. He said he did not merely object to the title on the legal ground of contest, whether the Bill was an extension or a restriction of the existing law, but to its principle. He had not completely made up his mind as to the necessity of any bill passing upon the subject, and one reason why he had not done so was, because the House had been refused all the information necessary to be laid before them, previous to their coming to a decision on a point of so much importance. He stated, that there were three parties to the Bill, the merchants of Poole and Dartmouth, the merchants of London, and the inhabitants of Newfoundland. All of these, or somebody for them, ought to have been heard before any Bill affecting them was passed. The present Bill was directly contrary to admiral Campbell's opinion, directly contrary to the wishes and opinion of the merchants of London, and as far as the House knew, adverse to the opinion and wishes of the inhabitants of Newfoundland; he considered it, therefore, as a sacrifice to the merchants of Poole and Dartmouth. Mr. Fox said, he should have thought that laying the intercourse between the United States and Newfoundland open, under certain regulations, would have been wiser than to have confined it at all. The chief regulations that he would have made should have been, to have obliged the commerce to be carried on in British bottoms, legally sailing with a register, agreeably to the Navigation Act. He recommended ministers either to pass no bill at all, and, in that case, to settle the intercourse by proclamation, from the King in council, or to postpone the third reading for one month; and, in the interim, to call all the witnesses before the House that could give them any material information on the subject; and, when the House were fully informed upon it, to prepare a digested Bill, and pass it. Mr. Fox moved, "That the Bill be read a third time that day month," having first declared, that if the sense of the majority appeared to be against his motion, he would not divide the House.

Mr. *Pitt* acknowledged that Mr. Fox had put the Bill upon a fair issue. He controverted Mr. Fox's arguments, and defended the Bill as a bill of experiment. He said, if gentlemen thought proper, they might bring the subject under discussion at some future period of the present session; but if the Bill was not read a third time till that day month, the object of it would be lost.

Mr. *Eden* said, that waving for the moment all dispute, whether the present Bill should be considered as restraining, or as authorizing a trade between the new states and one of the colonies, he had heard with great pleasure, the right hon. gentleman's wish to secure the colony trade and navigation as much as possible to British ships. But when it was proposed to adopt the Bill as an experiment, till the House should have more leisure and better materials, he must be permitted to express some surprise; individually speaking, the right hon. gentleman possibly had ample reason to wish for leisure; but the House, collectively considered, must never be supposed to want leisure for the discussion of important points: materials indeed they might want, more especially in instances like the present, when they had thought proper to deny to themselves the advantage of hearing witnesses peculiarly able to give information, and personally entitled even to offer advice and opinions. The self-denial of the House on this occasion, had been just matter of surprise to him and to others; but it was not more so, than the singular cause which had been assigned for it: they had been told, that the examination of witnesses would be contrary to the compromise with Poole and Dartmouth. A noble friend of his had, on some occasion, anatomized the

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word 'reciprocity;' he wished that his noble friend would, in like manner, advert to the word 'compromise:' he had always understood that word to mean, that the pretensions and interests of all parties being stated, there was a general agreement to abate something in the claims of both. But the present case differed widely from this description; the merchants of London, and those of Quebec, though protesting against the Bill, and parties materially interested, were refused even a hearing: the inhabitants of Newfoundland were parties also, and admiral Campbell, who best represented Newfoundland, was well known to disapprove utterly of the present Bill; the House had also refused to hear him. The towns of Youghall and Waterford, in Ireland, were greatly concerned in the fate of the question, but were not to this hour apprized of its existence. And even Poole and Dartmouth, in his opinion, would be dissatisfied with their supposed share in this compromise, whenever they should understand it: for it would not escape their observation, that the Bill purported to be a temporary restriction, and whenever it expired, the whole trade would be open to the United States, and the dangerous intercourse and ruinous competition would be greater than ever. Besides, according to all common sense, if this Bill was right, the perpetual continuance of it must be right; for the present year happened to be a year of plenty in all the British dominions: and if his Majesty's subjects were not now able to supply Newfoundland, they never could be able. In short, he could not discover that the Bill was favourable to any interests except those of the United States. An hon. gentleman, the preceding night, had mentioned them as peculiarly entitled to favour in preference to France. This came naturally from the hon. gentleman who had recently arrived from the United States, where he had undoubtedly been witness to the singular benevolence with which British subjects were treated by the New States, and to the sanctimonious attention to the faith of treaties, which was at this hour placing the New States in a point of view unparalleled in the history of any age or any country. He could have wished to have known from the same eye-witness how it happened, that in some of the New States British ships and their cargoes were subject to peculiar duties and restraints, notwithstanding that in this kingdom the merchandize of the United States remained to this hour exempt from the duties imposed on the goods of the most friendly powers of Europe. Gentlemen had talked of the supply of Newfoundland as a matter of difficulty, and it was evident that they conceived it to be an undertaking of great extent: he thought it right therefore, to inform them, that in 1771, when the fishery flourished, the value of all the provisions brought from North America was only 9,000*l.*, and in the last year the quantity of flour and bread brought from the United States had been very inconsiderable, and the live cattle amounted to 120. For such considerations the House was asked to sacrifice a principle of law, which he believed to be a just principle; and if it were otherwise he still thought that the direct communication should be closed against the United States. He would not resume the dispute on the law question; but would only say, that if it happened to him to imagine that he had discovered a point of law contrary to the general apprehension of mankind, and mischievous in all its consequences to the interest of these kingdoms, he would have concealed it with as much care as if he had discovered a new poison, or, at least, he would not have brought forward the poison in one hand, without bringing its antidote in the other. These new discoverers, however, or new inventors, had been governed by a different sentiment, and had maintained their discovery with as much alacrity and earnestness as if it had been beneficial to the interests of the British empire.

Mr. *Jenkinson* contended, that had the House gone into an examination of all the parties stated to be interested in the Bill, they would have heard a great deal of evidence of the most contradictory nature. His Majesty's ministers therefore were under the necessity of consulting the merchants of Poole and Dartmouth, who were principally interested, and upon a comparison of what they said with the opinion of the King's officers who had been at Newfoundland, had proceeded to draw such a Bill as might do good, but could do no harm.

Mr. Fox's motion was withdrawn, and the Bill read a third time.

Debate in the Commons on the Reports of the Commissioners of Public Accounts.] Feb. 17. The House went into a committee on that part of his Majesty's Speech which recommended to the consideration of parliament, the Reports of the Commissioners of Public Accounts.

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Mr. Chancellor *Pitt* then entered into the review and consideration of the important topics contained in the Reports of the commissioners. He said, that though voluminous, they might be arranged under two or three general heads; and for the purpose of clearly investigating the merits of the suggestions, it was necessary to distinguish them. It was impossible for him, or for parliament, to speak in adequate commendation of the labours of these gentlemen; they had given lights to parliament on subjects hitherto involved in the most inscrutable obscurity, which if pursued by the legislature with equal energy and wisdom, would be productive of the most valuable benefits. It was his duty, and the duty of the House, to profit from the Reports which had been laid before them. Without going at length into the mass of matter which the twelve Reports contained, it was his wish, he said, to lead the House to the review of their labours in the gross, rather than the detail, and under the distinct heads into which the whole might be resolved. These heads were, in his mind, the following:

1. The commissioners had turned their attention to the manner in which the revenues of the country were collected.

2. They had then entered into the consideration of the several offices of expenditure, and of the manner in which the public money was issued through the Exchequer. And,

3. The manner in which that money, so issued, was chequed and controlled, and how it was ultimately accounted for to the Exchequer.

Under these three heads, he believed, might be comprehended all the subjects embraced by the commissioners in their twelve Reports. The first, namely, that which respected the collection of the revenues, and which made the subject of the two first Reports, had already considerably engaged the public attention. Their ideas with respect to the collection of the land tax, had been improved, and considerable benefit had been derived from their suggestions. Instead of suffering the produce of the tax to lie, as had been usual, in the hands of the commissioners, means had been taken by parliament to enforce the more speedy payment of the sums in their hands; and that they should be themselves rewarded by fixed salaries, rather than by fees and poundage. In this part of the Reports, therefore, he believed the committee would not find any thing so materially deserving of their consideration, as in other subjects which he should have occasion to mention.

In the same manner another topic, included in this branch of their inquiry, the Post-office, had been in the late Act considerably amended. The commissioners stated in the Report, that the Post-office was directed to pay 700*l.* a week to the Treasury out of the produce of this branch of the revenue; and that this was a very small sum, in proportion to the sum derived from this fund. The committee would, however, recollect, that in the last Bill, when the addition was made to the duty on letters, and the other regulations were introduced, the office was directed to pay 3,000*l.* instead of 700*l.* into the Treasury, and this sum was now regularly paid. He believed it was as much as could be weekly drawn from the office; leaving a sufficient sum in hand to answer the exigencies of the office. This being the case, he would not detain the committee in this stage, but would hasten to that on which he designed to move them that night.

The second branch of the Reports, and which comprehended five or six of their number, was, as he had stated, an account of these public offices, and their conduct, through which the money passed in its application to the various services for which it was granted. He would first call their attention to the Navy-office, as that which immediately after the Pay-office was the most important. The Pay-office had of late been considerably amended, and was now brought nearly to the state recommended by the commissioners. It was the peculiar charge brought against the offices that balances had been suffered to accumulate in the hands of the officers, and to lie in their hands long after they had quitted the public service. Balances were also suffered unnecessarily to increase in the hands of officers while they remained in place. This very expensive and inconvenient practice had arisen from various causes, and was chiefly persevered in by the very great delay which there was in passing the accounts of public officers at the Exchequer, and the old and obstinate forms of the Exchequer; which, however proper and accommodating they might be to our expenditure when they were adopted, were now infinitely too dilatory and intricate, for the enlarged business of our present expenditure. He had the happiness to say, that the present

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Treasurer of the Navy had, in consequence of the Report of the commissioners on his particular office, taken the whole of the practice and of their suggestions, into his most able consideration; and he had, after much inquiry and deliberate consultation, formed a plan which promised to be effectual. It seemed, in his eyes, to have all the ends in view which the commissioners recommended, and which that House must be eager to compass. It tended to keep down balances in the hands of the Treasurer of the Navy for the time being, and to take them totally out of the hands of those who might quit the office. These were benefits which were not imaginary; and he trusted that his right hon. friend's ideas would not be found, upon trial, incompatible with the present forms, nor inadequate to the duties of office. They might at first be difficult, and, to men habituated to the old forms, unpleasant; but time would recommend as well as facilitate the scheme; and as it was only in case of a war, that material difficulty could occur in carrying it into practice, he trusted that that was a period so remote, that we should be familiarised to the new practice before the difficulty should occur.

This plan was framed on the suggestions of the commissioners. Its first provision was, that every treasurer, on quitting his office, should transfer the balances in his hands to his successor; and secondly, that every treasurer of the navy, while in office, should close his accounts every year. These were not impracticable regulations. The first might be accomplished by a change in the manner of keeping the accounts. It was now common, at the distance of a length of years, when a ship's books were nearly closed, to take such men as remained unpaid, and place them on an account of arrears. Why not do this at an earlier period, and in a greater extent? The principle was the same, though the operation would be on a larger scale.

In addition to this, we should have to simplify the manner of keeping the accounts, and in particular to remedy, by altering the great source and pretence for delay in the office, the practice of the sub-accountants. Instead of the manner now in use, of their receiving the money necessary to their several expenditures from the treasurer of the navy, and holding an account with him, by which he had a double credit, and was prevented ultimately from closing his account with the Exchequer until he had closed with all the sub-accountants; instead, therefore, of this old method, it was suggested by his right hon. friend, that the sub-accountants should draw, by imprest, the sums necessary to their several services, and should have personally to account to the Exchequer, giving at the same time the treasurer for the time being regular information of the state of the application of the sums so drawn. In addition to these means, and to reduce the balances in the hands of the treasurer of the navy for the time being, and also of the sub-accountants, it was to be proposed, that the money should in future be placed in the custody of the Bank, as was now the custom with the army expenditure.

Another source of enhancing the balances in the hands of the treasurer was, that every head of service was kept distinct, and the sums appropriated to each of the services were kept distinct: instead of this, it was proposed, that when the sum appropriated to any one service should be exhausted, they should not draw for more money while they had sums in their hands originally drawn for other, and not dissimilar services. He said not dissimilar, because he would not agree that the new scheme should totally abolish the old forms. Distinct heads might be still maintained; and they naturally divided themselves into three: the victualling, the navy, and the commissioners of sick and hurt. Under these several heads the sums might be applied indifferently, either to the particular objects for which the money was originally drawn, or by taking sums from the other service, under the same head, which was not exhausted. He had no doubt but from those propositions, together with several other subordinate rules, a new scheme for conducting the office of the treasurer of the navy might be adopted, which would fulfil the expectations held out in the report of the commissioners: he had no doubt but the committee would go with him in his motion for leave to bring in the Bill; and in that Bill the propositions would be made much more clear than, he was afraid, he had made them in his imperfect sketch.

The next great office in this branch of the reports was the Ordnance; and he was happy that the ideas of the commissioners had so intimately fallen in with those of the office itself; for they had adopted and carried into effect a number of the suggestions thrown out in the Reports, which

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made it less necessary than it otherways would be for the committee to enter much into the consideration of what had been said on this office now. One remark only occurred, and that was, that the custody of the cash should be in the Bank.

In regard to the Pay-office, the same observation was to be made. The practice had been most beneficially changed. Little or no money now remained in the hands of the paymaster, and no balance could accrue. One very material circumstance in this office, however, still remained to be amended, and that was the practice of the expenditure in the article of extraordinaries. This was a thing unquestionably more applicable to a time of war than peace; for this reason the House had more time; but it would not be an unprofitable, nor was it an unnecessary labour, to look back to what had been the practice in the late war with regard to these extraordinaries. He was well informed that in the enormous accumulation of these extraordinaries very great peculation had occurred; and a careful review of the accounts might lead to consequences highly beneficial to the public. There was one circumstance which, in such a revisal, must be particularly adverted to, and from which he must dissent from the practice of the Exchequer. He entered his protest against the maxim, that a voucher, having all the formalities of a receipt, was to be considered and accepted as a complete discharge to the accountant for the sum it specified, without any farther inquiry. The commissioners had well stated how defective vouchers, with all the requisite formalities, might be; the accountant might have entered into collusion with the party who was to furnish the commodities—or they might not have been furnished to the amount—or they might not have been delivered to the army. A variety of abuses might have been committed, which it would be ridiculous to say a mere receipt would discover. He charged no officer with such abuses. He urged only generally, and stated this as a reason for instituting a close and general inquiry into the whole of the expenditure under the head of Extraordinaries of the Army during the late war. For this purpose, sufficient men must be armed with sufficient powers; they must have power to call men before them, to force the production of papers, and to administer an oath. The comptrollers of the army accounts, gentlemen who deserved highly of the public, were, in his mind, the most proper to be entrusted with this, as well as other subjects of inquiry, check, and control, which the Bills that he should move for went to introduce. There were some other lesser considerations in the office of the Paymaster of the Army, which the commissioners had recommended to the notice of parliament. The Paymaster of Widows' Pensions was an officer who might be spared; and the agents for the payment of the out-pensioners of Chelsea-hospital, and the whole management of the non-effective fund, required revisal. The latter had been some time under the eye of the comptrollers of the army accounts, and they had made very valuable amendments. To them also must be referred the accounts of the sub-accountants, the general source of delay and procrastination in every office.

He next adverted to the third branch of this very interesting discussion; namely, the manner in which the money thus issued was afterwards accounted for to the Exchequer. In the view of this department, the first striking circumstance that occurred was, the mode of auditing these accounts by the Auditors of the Imprest. This the commissioners had stated with truth to be, not an accurate examination into the uses to which the specific sums had been applied, but merely an inquiry into the arithmetical exactness of each account. As this minute disquisition had been already attended to in the various inferior offices, it needed no great degree of discernment to pronounce this examination absolutely nugatory. He felt, he said, great reluctance in saying, that the abolishment of such frivolity was absolutely requisite; he was loth to remove what bore even the shadow of control, though useless in itself; such an establishment carried sometimes with it such a degree of awe as tended to render its purposes effectual. But when he considered that the emoluments of this office increased in a direct proportion with the public disability to afford such increase, he confessed he wished that progress terminated, and that another establishment, of less expense and more utility, might succeed; an establishment where efficient checks, and substantial disquisition, might take place of mere numerical forms and examinations. He next entered at large into a mode of auditing the accounts of the Navy, returned from the officers in its different departments, the Commissioners

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of the Navy, the Victualling, and the Sick and Hurt Officers. In each of these, though several regulations had taken place since the present inquiries were set on foot, there was still a necessity for farther reformation. The mode of remedying those evils, which had been proposed by the commissioners of accounts, and to which he acceded, was, the consolidation of these different offices of audit into one general establishment, to examine into the accounts of every department, and invested with more efficient powers than any of the present offices possessed.

The great source, he observed, of the distressing embarrassment of accounts, in themselves rather too complicated, was the long credit given to sub-accountants. This it was prevented the treasurers of the navy from returning their accounts long after they had been out of office; and then, from the unaccountable relaxation and neglect which pervaded the entire system, these accountants were suffered to retain the balance of the public money in their hands, some even so long as forty years. This was not a late object of his attention: he had, two years since, when first he accepted his present office, thrown out this idea as an important subject of inquiry; some time, when out of office, he had followed it still farther, by stating to that House, that the sums then unaccounted for amounted to no less a sum than 44 millions, and by moving at the same time, that an official inquiry should be instituted. The business was then looked on as a mere chimera, and was treated with great pleasantry of imagination by an hon. gentleman opposite him, whose pleasantry, indeed, he was happy to say, could easily sport on any subject. The idea, at that time, went abroad, as if he had discovered forty millions of the public money which had been stolen, and which he had offered to rescue from the hands of the robbers. Had such an idea escaped him, he would indeed have been a fit mark for ridicule. But to return to his motion in its reality; he had the pleasure to say, that what was then treated as a mere romance, had proved itself a tale of truth; what was then a shadow, was now converted into substance. From the inquiries that had been instituted, he was happy to inform the House, that no less than 27 millions so unaccounted for, had been discovered; and that the balance in favour of the public, on the accounts already examined, amounted to no less than 257,000*l.*; which sum, he had no doubt, he should be able immediately to collect, so as to apply it to the uses of the current year; and farther, that he supposed that on a farther scrutiny into the accounts that had been already brought forward, and on a progress through the remainder, this balance would be considerably increased. The manner in which it was intended to proceed was, by ordering the debtors of the nation to pay in the above-mentioned sum, which had been already acknowledged, and afterwards to compel them, by process, to stand a more particular examination.

Highly as he thought of the labours, and much as he commended the application and abilities of the commissioners of accounts, he said he must differ from them in one particular: they had admitted, that in the transactions of the late war, and of course, were the precedent admitted, in every future one, a receipt passed through the usual forms, should in every respect be deemed a sufficient voucher. Instances, he said, had occurred in that period which rendered an inquiry necessary, which should certainly take place when the supposition of payment, and consequent issue of the receipt, were both found to originate in a collusive fraud. He mentioned another charge against the auditors of the imprest, which was, that their proceedings were not only ineffectual, but tedious in the extreme. He remarked it as a curious circumstance, that though the auditors had, in one year, made 16,000*l.* each, they had in no year since made half that sum. He would not say that laziness here predominated over avarice; but he would mention to the House what he thought the probable cause. The clerks in this office in whose power it chiefly lay to expedite or retard the different papers, were paid not by a certain salary, but by fees. Here was an intercourse established which ought on all accounts to be suppressed, as that same fee, which might be made the motive for dispatch, might also, if suitable to the intentions of the donor, be converted into an instrument of delay. The only argument, he said, that could be adduced against the abolishing this and the like offices, was, that it would be deemed an infringement on patent rights, which the possessors considered as a species of freehold. But he would first observe, that in every such trust there was an implied condition that the duties of the office be faithfully discharged, and that this condi-

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tion, in the present instance, had been violated. It could not, he hoped, be conceived, that the duties of a public office were to be infringed, yet its emolument received merely because it was held by patent right. To what wild excess, he asked, would not this doctrine lead, if once established? As well might they claim, in virtue of that patent, that the public should still maintain to them that degree of profit which accidental circumstances, and the increase of the public debt, had at one time thrown into their hands; and that the nation should by that plea be compelled invariably to pay a sum of 19,000*l.* per annum for the transaction of business, for which, in fact, 500*l.* would be an over-payment.

It would, perhaps, he said, be considered as an omission, if he did not advert to the consolidation of offices proposed by the commissioners of accounts. Most of the offices alluded to could not, he said, with propriety, be referred to any but the Excise department, which was already overloaded. In one instance the exception had been taken away, as the Commissioners of Stamps, who were subjected by this proposal to a change, had now a sufficient degree of employment, as most of the supplies of last session had been raised by taxes incidental to their departments. Two other commissions were in themselves so trifling, that it was scarcely necessary to mention them at present; he had not considered where they could be annexed; and, in fact imagined, that he would have soon to propose to the House their total abolition. The Chancellor then informed the House, that he should conclude by moving for leave to bring in such bills as he had alluded to in the different parts of his speech, and moved accordingly, "That leave be given to bring in a bill for better examining and auditing the public accounts of this kingdom."

Mr. *Sheridan* rose to state to the right hon. gentleman that he was mistaken in a particular fact. The book he had alluded to was not an authentic voucher prepared at the instance of the Treasury, but the private memorandum-book of an individual. Mr. Sheridan reminded Mr. Pitt of what had at the time passed in debate on the subject of that book, and of the amendment that had been moved, changing the words of the original motion in two places; in one, the words, 'It appears to this House,' were changed to 'This House having reason to believe;' and in the other the words 'amounting in the whole to 44 millions,' were changed to 'large sums of money.'*

Mr. *Pitt* admitted that the hon. gentleman was correct, and that he had erred in what he had before said; but he declared, he well remembered that when the book and its contents were under discussion, a right hon. gentleman (Mr. Fox) had treated the proposition with infinite ridicule, and said, instead of 44 millions, he did not believe 40,000*l.* would ever be come at. Nay, Mr. Pitt said, he was not sure whether the right hon. gentleman had not gone so far as to say that he did not believe the public would ever see 40*l.* of the money due from the sub-accountants who were defaulters.

Mr. *Rose* said, the book in question was prepared at the instance of the Treasury, as his right hon. friend had stated. Mr. Rose gave an account of his having originally suggested to lord North the idea of calling upon the sub-accountants to pay their arrears to the public, and of his having gone to Mr. Mollison, the secretary to the commissioners of accounts, and asked him, if with proper assistance such a book could not be made out. That, in consequence of that, the book was prepared; that it was paid for by the Treasury, and was to all intents a public voucher.

Mr. *Sheridan* maintained the contrary. He said it was the private memorandum-book of Mr. Mollison; that it had been brought forward against Mr. Mollison's consent, and that he had complained of it to him.

Mr. *Fox* said, he knew not whether the words a right hon. gentleman had referred to, as having been used in the former debate upon the book, had made any part of his arguments or not, for he really had forgot what his arguments were upon the occasion; but if the debate had taken place the preceding day only, he might possibly have said, that "he claimed the merit of doing that business that belonged to the executive government; that he would not suffer it to be taken out of the hands of administration; that no man should run a race with him on the subject, and that the House of Commons itself should not know a syllable about the matter." After this irony, Mr. Fox declared he could not suppose that the House had treated the subject with the levity the right hon gentleman had stated,

* See Vol. XXIII, p. 1114.

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because, on looking to the motion for the address that passed upon the subject, he found the words, 'This House having reason to believe,' &c. Now, he could not imagine that the House would ever hold such language, or say it "had reason to believe," except when it meant to be perfectly serious. There were in the right hon. gentleman's speech many things suggested that were exceedingly proper; but if the right hon. gentleman meant to insinuate any blame upon the administration in which he had held a share, on the score of their not having turned their attention towards official regulations and reform, let the right hon. gentleman recollect, that of the three years since 1782, when a change in the ministry took place, that administration, of which he had been a part, had been in office not quite one year, whereas the right hon. gentleman had been in administration two years out of the three; and nevertheless he was willing to compare his one year against the right hon. gentleman's two, perfectly sure that it would be found that more essential reforms had been made by those with whom he had acted, than by the right hon. gentleman. In support of this assertion, Mr. Fox instanced the Bill for the better regulation of the office of paymaster general; a Bill drawn in as masterly a manner, and that reflected as much credit, and threw as much solid glory on its author, as any bill that ever had been brought into that House. Mr. Fox said, there was one matter that the right hon. gentleman had touched upon, to which he could not subscribe; and that was, the idea that the increased profits of the auditor of the imprest, or any other patent officer, arising from an unforeseen and unexpected increase of the public expense and the public debt, were not to be deemed so sacred, but that they ought to be considered as liable to a reform. He knew perfectly well, that it was looked upon as invidious, and was always unpopular, for any man to hold an opinion such as he held, and ever would avow, on that subject. This must ever be the case, where the public and an individual were the parties. The public looked to their own interest alone, and that naturally and unavoidably made them partial. But in spite of that partiality, in spite of the unpopularity that would attend such a declaration, he scrupled not to say, that he would on no account consent to touch any part of the emoluments derivable under a grant of the crown. Let gentlemen look at property of every kind, let them look at the landed estates of the kingdom. Most of them had originally been grants of the crown; and would any man, because those estates were now productive of infinitely larger rents than could probably have been foreseen or imagined, venture to meddle with them, or think of assuming any part of those rents? Why should not a place, or the emoluments a man received under a grant of the crown, no matter whether by a duty, by fees, or by annuity, or in any other manner, be held as sacred a freehold, as a person's freehold estate? Mr. Fox declared, it was not his intention to have said any thing in that stage of the business; but it was impossible for him not to have taken notice of the matter he had just spoken to.

The question was put, and agreed to. Mr. Pitt then moved, "That leave be given to bring in a Bill for the better regulating the office of treasurer of his Majesty's navy, and for transferring the custody of the cash for ordnance service, from the treasurer of the ordnance to the bank of England." This was also agreed to.

Mr. *Pitt* said, he had a motion to make, that probably might not be equally well received. It was, he declared, a motion that he had once before made, and which, when modelled into the shape of a Bill, had passed that House, but had been thrown out by the other. The objection formerly made to the Bill had been, that government could carry its object, without passing any new law for the purpose. This, however, was more specious than true. Government could not do it without the institution of certain commissioners to undertake the duty. The commissioners of accounts had their attention wholly engaged by a different, and a very important object; and he saw no reason why the object of the intended Bill might not be undertaken, and put into progress at the same time. He concluded with moving, "That leave be given to bring in a Bill for appointing commissioners to inquire into the fees, gratuities, perquisites, and emoluments, which are, or lately have been, received in the several public offices to be therein mentioned; to examine into any abuses which may exist in the same, and to report such observations as shall occur to them for the better conducting and managing the business transacted in the said offices."

Mr. *Fox* said, it was very true, when the

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Bill under that title was before in parliament, he had done what he very seldom did, forborne to deliver his sentiments upon it. The reasons why he did so were various. His attention was wholly engaged with watching the manœuvres of the right hon. gentleman, and those who were connected with him, elsewhere. Mr. Fox hinted, that he suspected that at that very time the plan for his overthrow, by the means of secret influence, was operating; and having assigned that as a reason for his suffering the Bill to go to the House of Lords, he said, the objection that was then most obvious to his mind in respect to the Bill, was, that the executive government was equal to the object of the motion of itself; but of that he should be a better judge when the Bill was upon their table.

The *Attorney General* caught at Mr. Fox's acknowledgment of his having suffered the Bill to go to the Lords to be there thrown out. This, he said, was a fair confession on the part of the right hon. gentleman, that the House of Lords might be rendered useful, by being employed to throw out such Bills as, for reasons of conveniency, it might be thought advisable to suffer to pass the Commons. He shortly stated his reasons for being of opinion that such a Bill was necessary; and that government could not, unless parliament armed it with special powers for the purpose, prosecute such inquiries as the Bill went to the institution of.

The *Solicitor General* said a few words in corroboration of this argument. He cited the case of an inquiry into the conduct and usages of the court of Chancery, that had been set on foot by administration in 1732; but which, for want of ministers having applied to parliament to be armed with the necessary powers, had not been brought to a conclusion till the year 1749.

Leave was given to bring in the Bill.

Debate in the Commons on the Commercial Intercourse between Great Britain and Ireland.] Feb. 22. Mr. Chancellor Pitt moved, "That this House will, immediately, resolve itself into a committee of the whole House, to consider of so much of his Majesty's most gracious Speech to both Houses of Parliament, upon the 25th day of January last, as relates to the adjustment of the Commercial Intercourse between Great Britain and Ireland." This motion being agreed to, the various papers presented to the House relating to the trade of Great Britain and Ireland, were referred to the said committee. The House having resolved itself into the committee, Mr. Gilbert in the chair, the eleven Resolutions agreed to by the Irish parliament, were read as follow:

Resolved 1. "That it is highly important to the general interest of the British empire, that the trade between Great Britain and Ireland be encouraged and extended as much as possible; and for that purpose, that the intercourse and commerce be finally settled and regulated on permanent and equitable principles for the mutual benefit of both countries.

2. "That towards carrying into full effect so desirable a settlement, it is fit and proper, that all articles, not the growth or manufacture of Great Britain, or Ireland, should be imported into each kingdom from the other, reciprocally, under the same regulation, and at the same duties, if subject to duties, to which they are liable when imported directly from the place of their growth, product, or manufacture; and that all duties originally paid on importation into either country respectively, shall be fully drawn back on exportation to the other.

3. "That for the same purpose, it is proper that no prohibition should exist in either country, against the importation, use, or sale of any article, the growth, product, or manufacture of the other; and that the duty on the importation of every such article, if subject to duty, in either country, should be precisely the same in the one country as in the other, except where an addition may be necessary in either country, in consequence of an internal duty on any such article of its own consumption.

4. "That in all cases where the duties on articles of the growth, product, or manufacture of either country, are different on the importation into the other, it would be expedient that they should be reduced in the kingdom where they are the highest, to the amount payable in the other, and that all such articles should be exportable from the kingdom into which they shall be imported, as free from duty as the similar commodities or home manufactures of the same kingdom.

5. "That for the same purpose it is also proper, that in all cases where either kingdom shall charge articles of its own consumption with an internal duty on the manufacture, or a duty on the ma-

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terial, the same manufacture, when imported from the other, may be charged with a farther duty on importation, to the same amount as the internal duty on the manufacture, or to an amount adequate to countervail the duty on the material, and shall be entitled to such drawbacks or bounties on exportation, as may leave the same subject to no heavier burthen than the home-made manufacture; such farther duty to continue so long only as the internal consumption shall be charged with the duty or duties, to balance which it shall be imposed, or until the manufacture, coming from the other kingdom, shall be subjected there to an equal burthen, not drawn back or compensated on exportation.

6. "That in order to give permanency to the settlement now intended to be established, it is necessary, that no prohibition, or new or additional duties, should be hereafter imposed in either kingdom, on the importation of any article of the growth, product, or manufacture of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution.

7. "That for the same purpose it is necessary farther, that no prohibition, or new or additional duties, should be hereafter imposed in either kingdom, on the exportation of any article of native growth, product, or manufacture from thence to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits; and also except where there now exists any prohibition which is not reciprocal, or any duty which is not equal in both kingdoms, in every which case the prohibition may be made reciprocal, or the duties raised so as to make them equal.

8. "That for the same purpose it is necessary, that no bounties whatsoever should be paid, or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, and such as are in the nature of drawbacks or compensations for duties paid, and that no duty should be granted in this kingdom on the exportation of any article imported from the British plantations, or any manufacture made of such article, unless in cases where a similar bounty is payable in Britain, on exportation from thence, or where such bounty is merely in the nature of a drawback or compensation of, or for duties paid over and above any duties paid thereon in Britain.

9. "That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign states should be regulated from time to time, in each kingdom, on such terms as may afford an effectual preference to the importation of similar articles of the growth, product, or manufacture of the other.

10. "That it is essential to the commercial interests of this country to prevent, as much as possible, an accumulation of national debt, and therefore it is highly expedient that the annual revenues of this kingdom should be made equal to its annual expenses.

11. "That for the better protection of trade, whatever sum the gross hereditary revenue of this kingdom (after deducting all drawbacks, repayments, or bounties, granted in the nature of drawbacks) shall produce, over and above the sum of 656,000*l.* in each year of peace, wherein the annual revenues shall be equal to the annual expenses, and in each year of war, without regard to such equality, should be appropriated towards the support of the naval force of the empire, in such manner as the parliament of this kingdom shall direct."

As soon as the above Resolutions had been read,

Mr. Chancellor *Pitt* rose, and opened the system of commercial intercourse between the two kingdoms. He said, he flattered himself he should be honoured with their indulgent attention, of which he should fully stand in need, while he endeavoured to state to them the important propositions on which he conceived an advantageous and honourable system of intercourse might be established between Great Britain and Ireland. In a business of such moment, he knew that it was equally unnecessary for him to desire the attention of gentlemen, as to intreat that they would enter into the consideration of the subject without prejudice, and with the earnestness which its political magnitude required. There was not a man in the House, of whatever party or description, however attached or connected, who would not agree that the settling of the commercial intercourse of the two countries, on a firm, liberal, and permanent basis, by which an end might for ever be put to jealousies and clamour; by which all future pretexts to discontent might be removed, and by which the

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surest foundations of future strength and opulence might be laid, was one of the greatest topics which could be agitated in parliament, and one of the most desirable objects that they could accomplish. They would meet with one disposition as to the end, however they might differ about the means; and he only prayed that gentlemen would enter into the discussion of the subject without prepossession from what they might have heard, and without giving ear to the insinuations which had been so industriously circulated through the metropolis, and distributed, perhaps, to every corner of the country. These insinuations applied to particular subjects of the discussion, and were founded on misconception of those great and necessary *data* in our relative situation, upon which, without bending our view to partial aspects, we must ultimately decide this great question. If gentlemen had adopted ideas from cases half stated, or from cases misrepresented by those who had made up their minds, without knowing whether the state of the question made it necessary that the line should be pursued which had been adopted, it would be more difficult for him to clear the way to the true consideration of the question than it otherwise would have been. It was incident to every proposition, that, until it should be fully exposed, those who might have the interest or inclination to raise clamour by partial statements of it, had the advantage in the conflict for a time: but when the whole could be fairly elucidated, truth would always, as it ought, have its prevalence over misrepresentation, and the delusion, though extensive, would be but momentary.

With regard to the important question, he conceived it to be simply this: what ought to be the principles on which the relative commercial interests of the two kingdoms should be settled in the system of intercourse to be established between them? In answering this question he had no difficulty in saying, that the system should be founded on principles of expediency and justice; and he was confident in saying, that, in the mode in which the King's ministers had pursued the object, they had paid regard to those principles. It had been a subject of insinuation that the steps which they had taken were not conducive to the ultimate success of the measure, and that they had embraced notions which were hostile in every conception to the end in view. He would not go minutely into the detail of the propositions which had been read by the clerk at the table, and which he confessed were the basis of the system which he meant to submit to their wisdom, because he was aware that the committee were not ripe to decide on them, and would not be competent to the discussion, until they had examined all the accounts which were already, or which might hereafter be, laid on their table.

It was his wish that those examinations should be full and minute; that time should be given them for the discussion; and that the whole should be fairly and fully investigated before they came to any determination. He did this in the confidence that, upon such mature consideration, they would find the general propositions to be founded on good sense and substantial policy. He was sensible that the smaller parts might require much curious and minute investigation; they would stand in need of correction, and perhaps of change. He trusted that he should have the assistance of all the wisdom and information of the committee on those points; and he assured them that full time, and the utmost information, should be given for the discussion. In such a business, such a determination was essential; for it was of the greatest and most decisive importance to both kingdoms, since the end and object was no less than to establish a system that should be permanent and irrevocable.

He should confine himself to general principles in the exposition of the business this day. The motion with which he should conclude would fully explain the principles; it had a reference to the commercial regulations which had been read at the table, and which the Houses of Lords and Commons of Ireland had declared to be the basis of what they should consider as a proper and effectual system of intercourse. His motion did not tend to any direct point; but it led their attention to the general prospect of the scheme, accompanied with a provision which he conceived to be essential to the whole.

In treating this important question, he would beg leave to recall their attention to what had been, and what was the relative situation of the two countries. They would recollect that, from the Revolution, to a period within the memory of every man who heard him, indeed, until these very few years, the system had been that of debarring Ireland from the enjoyment

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and use of her own resources; to make the kingdom completely subservient to the interests and opulence of this country, without suffering her to share in the bounties of nature, in the industry of her citizens, or making them contribute to the general interests and strength of the empire. This system of cruel and abominable restraint had however been exploded. It was at once harsh and unjust, and it was as impolitic as it was oppressive; for, however necessary it might be to the partial benefit of districts in Britain, it promoted not the real prosperity and strength of the empire. That which had been the system, counteracted the kindness of Providence, and suspended the industry and enterprise of man. Ireland was put under such restraint, that she was shut out from every species of commerce:—she was restrained from sending the produce of her own soil to foreign markets, and all correspondence with the colonies of Britain was prohibited to her, so that she could not derive their commodities but through the medium of Britain. This was the system which had prevailed, and this was the state of thraldom in which that country had been kept ever since the Revolution. Some relaxations of the system, indeed, took place at an early period of the present century. Somewhat more of the restrictive laws were abated in the reign of George 2; but it was not until a time nearer to our own day, and indeed within the last seven years, that the system had been completely reversed.

It was not to be expected but that when Ireland, by the more enlarged sentiments of the present age, had acquired an independent legislature, she would instantly export her produce and manufactures to all the markets of the world. She did so, and this was not all. England, without any compact or bargain, generously admitted her to a share in her colonies. She gave her liberty to import directly, and to re-export to all the world, except to Britain, the produce of her colonies. Thus much was done some years ago; but to this moment no change had taken place in the intercourse between Great Britain and Ireland themselves. Some trivial points, indeed, had been changed; but no considerable change had taken place in our manufactures exported to Ireland, or in theirs imported to England. That, therefore, which had been done, was still viewed by the people of Ireland as insufficient; and clamours were excited, and suggestions published in Dublin and elsewhere, of putting duties on our produce and manufactures, under the name of protecting duties.

Having thus far relaxed from the system which had been maintained since the Revolution,—having abandoned the commercial subserviency in which we had so long persevered, and having so wisely and justly put them into a state in which they might cultivate and profit from the gifts of nature,—having secured to them the advantages of their arts and industry,—it was to be observed that we had abolished one system, and had established another; but we had left the intercourse between the two countries exactly where it was. There were, he said, but two possible systems for countries situated in relation to one another like Britain and Ireland. The one, of having the smaller completely subservient, and subordinate to the greater—to make the one, as it were, an instrument of advantage, and to make all her efforts operate in favour, and conduce merely to the interest of the other. This system we had tried in respect to Ireland. The other was a participation and community of benefits, and a system of equality and fairness, which, without tending to aggrandize the one or depress the other, should seek the aggregate interests of the empire. Such a situation of commercial equality, in which there was to be a community of benefits, demanded also a community of burthens; and it was this situation in which he was anxious to place the two countries. It was on that general basis that he was solicitous of moving the proposition which he held in his hand, to complete a system which had been left unfinished and defective.

Under these circumstances, to discover the best means of uniting the two countries by the firmest and most indissoluble bands, ministers had, during the recess, employed themselves in inquiries by which they might be able to meet parliament with a rational and well-founded system. That they might form the outline of such propositions, from the mutual ideas of both countries, and that they might join in the principles on which the basis of the intercourse was to be laid, they thought it their duty not to come into the parliament of Britain until they knew what additions to the relaxations which were lately made, would be likely to give entire satisfaction to the people of Ireland; what commercial regulations they would think essential

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to commercial equality; and what proportion of the expense of supporting the common interests Ireland would be content to bear, on being thus made a common sharer in the benefits. They were now prepared to meet parliament with the system, founded on the intelligence of the sense of the Irish legislature on the subject, and, he believed, of the Irish people.

It was his wish to examine the system in two striking points of view, into which it naturally divided itself:

1st. To examine what would be the effects of the commercial arrangements suggested in the propositions on the table, on our particular commerce and manufactures; and,

2d. To examine the effects of an extension of the trade of Britain, in the return which Ireland would make towards the common expense.

He would beg the indulgence of the House while he went particularly into the consideration of these branches of the subject. The first branch, viz. the commercial arrangements again should be divided into two parts: 1st. In so far as they regarded our navigation laws, and the monopoly of our commerce with our colonies; and 2dly. In so far as they regarded the intercourse between the two countries by the equalizing of duties.

The first branch of this subject, namely, the liberty of importing the produce of all countries importable into England, directly, from henceforth, through the medium of Ireland, was likely to attract most of the attention of the House. The alarms of the people would also be excited to this measure, and excited under names which, from long habit, we were accustomed to reverence. It would be said, that this measure would be destructive of our navigation laws, the source of our maritime strength and commercial opulence. Those who argued in this way merited however but little credit; for they did not seem to have taken much pains to make themselves acquainted by experience with those navigation laws. How far this new measure would depart from the spirit of those laws, would be seen from this short statement of the fact. Goods, the produce of Europe, might now be imported into Britain through Ireland, by the express authority of the Navigation Act. The new proposition applied only to Africa and America, for Asia was excluded, as the East India Company had the monopoly of the trade to that quarter of the world. It was therefore to be asked, whether it would be wise in this country to give to Ireland the liberty of importing, and afterwards of exporting to Britain, the produce of our colonies in Africa and America?

If we desired to give satisfaction to Ireland, and to put an end to all contention, by a system founded in equality and reciprocity, he conceived that this was a wholesome and proper measure. Every man would agree that it was desirable to give them a complete participation, if it could be done without encroaching on our navigation laws and commercial system, which were so deservedly dear to us. It should be remembered that we had already given to Ireland our intercourse with our West India islands. In the late alteration of the system we had opened the way of Ireland to all foreign markets; and in doing that, we had conferred no favour, and made no concession. It was the natural right of Ireland, and the measure was a measure of justice, but not of grace. We, however, had gone farther than that: we had given them direct intercourse with our own colonies—with those colonies which we had acquired by our own treasure, and which we maintained by our own authority. This was liberal—it was a favour—it was certainly advisable to give this proof of our friendship; but it was given without reciprocity, without securing from Ireland any return, or receiving any proportionate aid towards the maintenance of trade or the protection of those colonies.

The question now was, therefore, whether, with so much given, and so little received, it would be wise to destroy that much by a niggard detention of the little that was left; or whether, by adding the little to the much already given, we might not secure a valuable return?

He knew there might be persons, who, with separate interests, or perhaps with personal interests, might start objections, and find pretexts for clamour against every national object that could be embraced; and while ear was given to such clamour, we must remain in the same unprofitable system as heretofore. But if they wished to pay respect to the advantages of quiet and security; if they desired to have a return proportional and adequate, it was his opinion that the little which was left ought to be given for a return, in addition to the much which was given without any return at all: and happy would it be for Britain, if, by a profitable use of what little was

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left, she could yet secure the advantages which might have been so much more certainly procured in the former season.

But it was requisite to proceed to inquire what would be the effects produced by giving this extension to Ireland? The committee would be the place for detail. He would confine himself, therefore, to the general view of the subject. They had heard in popular discussions, and in those publications which were propagated so freely through the metropolis, that this measure would strike a deadly blow to the navigation laws of this kingdom. It would be said that, by this blow, that act, which was the palladium of our commerce, would be ruined. These were clamours to which he could not subscribe. He desired to know what was likely to be the extent of this boon? Would it be more than that Ireland would be able to send to Britain what she might have imported from the colonies above what was necessary to her own consumption? Was it likely that she was to become the emporium, the mart of the empire, as it was said she would? He could not believe that it would ever be the case. By emporium, he supposed was meant, that Ireland would import the produce of Africa and America, afterwards to distribute it to all the world, and to Britain among the rest. If this liberty would strike a fatal blow to the commerce of England, he begged it might be remembered with whom the blow had originated. By the inconsiderate and unsystematic concessions which had been made four years ago, the blow was struck. They would not have been inconsiderate, if accompanied with provisions of a return—not if the system had been finally settled; but those concessions were inconsiderate, because we had been inclined to hide our situation, both from ourselves and others, without examining the extent of what we were giving away, and without securing the general interests of the empire: so that, if there was any danger of Ireland's becoming the emporium, and of her supplanting us either in our own or in foreign markets, it was by the advantages given by the noble lord whom he had then in his eye (lord North); and he trusted the nation would know and feel from whence the calamity really sprung.

No such consequence, however, was likely to ensue. Ireland did not covet the supply of foreign markets, nor was it probable that she would furnish Britain with the produce of her own colonies in any great degree. Ireland was to have the liberty of bringing to Britain, circuitously, what she herself had the liberty of bringing directly. It must be proved that Ireland could afford this circuitous supply cheaper than Britain herself could give the direct supply, before any idea of alarm or apprehension could be raised in any bosom. That fact would be inquired into. It would be inquired, whether there was any thing in the local situation of the ports of Ireland, which would enable her to make this circuitous voyage cheaper than we could make the direct one; whether the nearest way to England was through the ports of Ireland. He had no reason to believe that the freight was cheaper from Ireland to the West Indies, than from England. Then there was to be superadded to this equal freight, the freight between Ireland and Britain, which would operate as a very great discouragement; for he had reason to believe, that this superadded freight would be, on the average, a fourth of the original freight. He wished to avoid figures and unauthorized assertions; but all this would be subject of inquiry; and to this he must add the double insurance, double commission, double port duties, and double fees, &c. all of which would operate most severely against Ireland.

There was one other observation on this part of the subject. It was not merely a question, whether Ireland should be able, by local advantages and resources, to become the carriers, but we were to compare the contest between ourselves and them. Ireland could now send a cargo to the West Indies, and bring a cargo directly to Britain; or she could invoice a part of her cargo to Britain, and part to Ireland. The question was, therefore, whether her original cargo was to be afforded cheaper, whether her shipping and navigation were cheaper, and whether, with all these advantages, it could be possible that this circuitous trade could be cheaper than the direct trade?

All this would be searched to the bottom; and in this view of the subject, the discussion would be fair; but nothing would be more unfair than to contend, that this new commerce would be contrary to the Act of Navigation. It ought to be a question, how much of the wealth of this nation might centre in Ireland by this measure; but in looking into the spirit and meaning of the Navigation Act, nothing could be more absurd than to say

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that it was contrary to that Act. The principle of that Act was the increase of the British shipping and seamen. Here then this principle was out of the question; for in several Acts, and in one passed so lately as 1778, Irish shipping and seamen were to be considered as British. There was not then that degree of danger in adding this to the other concessions which had been made to Ireland.

The other great and leading principle in this branch of the measure was the equalizing of the duties on the produce and manufactures of both countries; and this he would explain very shortly. On most of the manufactures of Ireland prohibitory duties were laid in Britain: linen, however, was a liberal exception. On the contrary, our manufactures had been imported into Ireland at low duties. It was now the question, whether, under the accumulation of our heavy taxes, it would be wise to equalize the duties, by which a country, free from those duties, might be able to meet us, and to overthrow us in their, and in our own markets? Upon this he would state some general observations as shortly as possible. A country not capable of supplying herself, could hardly meet another in a foreign market. They had not admitted our commodities totally free from duties—they bore, upon an average, about ten per cent.; but it was very natural that Ireland, with an independent legislature, should now look for perfect equality. If it be true, that, with every disadvantage on our part, our manufactures were so superior that we enjoyed the market, there could be no danger in admitting the Irish articles to our makets on equal duties. What strong objectious could be started? Every inquiry had been made, and the manufacturers with whom he had conversed had not been alarmed at the prospect. On our side, on account of our heavy internal duties on some articles, port duties must be added on the equalizing principle; and he trusted that all little obstacles would be over-ruled.

It was said, that our manufactures were all loaded with heavy taxes—it was certainly true; but with that disadvantage they had always been able to triumph over the Irish in their own markets, paying the additional ten per cent. on the importation to Ireland, and all the charges. But the low price of labour was mentioned. Would that consideration enable them to undersell us? Manufacturers thought otherwise; there were great obstacles to the planting of any manufacture. It would require time for arts and capital, and the capital could not increase without the demand also; and in an established manufacture improvement was so rapid as to bid defiance to rivalship. In some of our manufactures, too, there were natural and insurmountable objections to their competition. In the woollens, for instance, by confining the raw material to this country, the manufacture was confined also.

There might be some branches in which Ireland might rival, and perhaps beat England; but this ought not to give us pain: we must calculate from general and not partial views, and above all things, not look on Ireland with a jealous eye. It required not philosophy to reconcile us to a competition which would give us a rich customer instead of a poor one. Her prosperity would be a fresh spring to our trade.

One observation more on this branch, and that was, that the price of labour, proportionably lower now, was an advantage which would be constantly diminishing. As their manufactures and commerce increased, this advantage would be incessantly growing less. For these reasons he did not think that England had any thing to fear in the proposed scheme of equalizing the duties on the admission of their mutual produce.

Having said so much about what was to be given by England, he should pass next to the other part of his proposition, without which the former would be an improvident surrender of advantages belonging at this moment to Great Britain—he meant the return that was to be made for them by Ireland. He could not, at the outset of this business, expect that any specific sum should be proposed by the Irish parliament, towards defraying the expense of protecting the commerce of the empire; because it was impossible for them to ascertain at present, or for some time to come, the amount of the advantages that the Irish would derive from this system; on the other hand, it would have been improper not to stipulate for something. He had, therefore, thought it best for this country, that she should have some solid and substantial provision for what should be stipulated in her favour, and that should keep pace with benefits that the system would produce to the Irish; for this purpose it had been agreed, that the provisions should consist of the

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surplus of the hereditary revenue, whenever there should be a surplus; and this fund, the committee would perceive, from what he was going to state, was precisely that from which it could be best collected, to what degree the Irish should have been benefited by the commercial regulations.

The hereditary revenue in Ireland was that which was inseparably annexed to the crown, and left to the king to be disposed of at his discretion, for the benefit of the public. It was pretty much like the hereditary revenue that was formerly annexed to the crown in this country, and which was given up by his present Majesty for a certain annuity: above four-fifths of the Irish hereditary revenue was raised in such a way, that the whole must necessarily increase, with an increase of commerce. It was raised from three several objects:—from customs, the produce of which must necessarily be greater, when the customed goods imported into Ireland should be more in value than they had hitherto been; from 10 per cent. on other kinds of goods entered, which must of course bear always a proportion to the extent of the trade;—from hearths; an increase of population would produce an increase of houses, and an increase of houses would necessarily produce an increase of hearths, and consequently of this branch of the revenue; from an inland excise, which, depending always upon consumption, must always rise with population and property, and consequently, should the trade and population of Ireland exceed in future what they were at present, the hereditary revenue would be benefited by both. This revenue had not, indeed, for many years back, been equal to the ends for which it had been granted to the crown; and the deficiencies had been made up by new taxes imposed by the Irish parliament: it did not at present make above half of the whole; by the papers on the table, it appeared that it produced at present 652,000*l.* a year. For some time back there had been an arrear incurred, the expenses of the state being greater than its income; but he understood that steps were to be taken to bring both to a level, and then a reasonable hope might be entertained, that, if the trade of Ireland should grow more flourishing, there would be a considerable surplus on this revenue, applicable to the protection of the common trade of the empire, and he indulged this hope the rather, for that several years back, when government took care that the expenditure should not be greater than the income, the hereditary revenue produced 690,000*l.* a year, though the commerce of the country was at the time shackled with innumerable restraints: what then might be expected from it, when that trade on which it depended should be enlarged?—Then it would be found that our strength would grow with the strength of Ireland; and, instead of feeling uneasiness or jealousy at the increase of her commerce, we should have reason to rejoice at such a circumstance, because this country would then derive an aid for the protection of trade, proportioned to the increase of commerce in Ireland. He did not mean that we should very soon experience any very great assistance from this revenue, because it would take some time before new channels of trade could be opened to Ireland: but from the nature of this fund it would appear, that if little should be given to England, it would be because little had been gained by Ireland; so that, whether much or little should be got from it, England would have no cause to be dissatisfied: if much should be got, she would be a gainer; if little, it would be a proof that little of the commerce of England had found its way into Ireland; and consequently there could not be much room for jealousy. The parliament of Ireland had readily consented to the appropriation of the surplus out of the hereditary revenue, to the defence of trade; but though he did not in the least doubt the intention of that parliament liberally to fulfil what had been so readily resolved, yet in a matter of so much moment to Great Britain, he felt that he ought not to leave any thing to the generosity or liberality even of the most generous and liberal. As it was his object to make a final settlement in this negociation, and to proceed upon a fixed principle, he wished it to be understood that, as he meant to insure to Ireland the permament and irrevocable enjoyment of commercial advantages, so he expected in return, that Ireland would secure to England an aid as permanent and irrevocable. The resolution of the Irish parliament on that point was not worded in as clear a manner as he could wish. It stated, "That for the better protection of trade, whatever sum the gross hereditary revenue of the kingdom (after deducting all drawbacks, repayments, or bounties in the nature of drawbacks) shall produce annually over and above the sum of ———,

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should be appropriated towards the support of the naval force of the empire, in such a manner as the parliament of this kingdom shall direct." Now this did not plainly hold out the prospect of this surplus being irrevocably applied to this purpose; and as this was with him a *conditio sine qua non*, he would not call upon the committee to pledge itself to any thing on the subject, till the parliament of Ireland should have re-considered the matter, and explained it more fully.

Such, then, was the outline of the plan he intended to propose; the minute parts of it, would no doubt be open to full and fair investigation; and gentlemen would consequently be at liberty to call for any information that could possibly be procured. He flattered himself, that after what he had stated on different points, fears and jealousies would be laid aside. Gentlemen would see that except the mere intercourse with respect to certain articles between the two kingdoms, all the rest of the globe, not included in the East India Company's charter, was already open to Ireland; nay, that she could by law at this moment supply England circuitously through her own ports, with every sort of West India commodities; and therefore, that whatever ground there might have been a few years ago for alarm, there was little or none now, when so little remained to be done. He did not apprehend that any manufacture in this country would immediately feel any bad consequence from the commercial extension to Ireland, or that any number of English manufacturers would be thrown upon the world for want of employment, or that they could be so soon rivalled and surpassed in any branch, as not to have time first to turn their thoughts to some other line of business; but should even an inconvenience of this kind happen in some small degree, it would be overbalanced by the good consequences that must attend the proposition he had to make: for, in the first place, it would form a final adjustment of commercial interests between the two countries; it would allay discontents in Ireland, and restore peace and harmony to the remaining branches of the empire; and secondly, if it took any thing from England in one way, it would highly benefit her in another, by providing a relief to her in the heavy expenses of protecting trade. He concluded, by moving the following resolution: "That it is the opinion of this committee, that it is highly important to the general interests of the empire, that the commercial intercourse between Great Britain and Ireland shall be finally adjusted; and that Ireland should be admitted to a permanent and irrevocable participation of the commercial advantages of this country, when the parliament of Ireland shall permanently and irrevocably secure an aid out of the surplus of the hereditary revenue of that kingdom, towards defraying the expense of protecting the general commerce of the empire in time of peace." He observed, that, consistently with what he had said of the necessity of a further explanation on the part of the parliament of Ireland, respecting the permanency of the aid to be given for the protection of trade in general, he could not call upon the committee to give an immediate opinion upon his proposition; he would not, therefore, press for a vote now, but, on the contrary, would move that the further consideration of the resolution should be adjourned to a future day.

Mr. *Marsham* expressed his satisfaction that the committee were not called upon to give an opinion that night on the resolution: it contained matter of the greatest moment to this country, and well worthy the most serious consideration of its legislature. He thought the right hon. gentleman in the right to wait for a farther explanation from Ireland: the British parliament had been in the practice these seven years past of making concessions to Ireland, and he did not think it would be liberal in the Irish parliament to take all and give nothing. He hoped the right hon. gentleman would not bring on the business in any great hurry, that the members might have time to consult their constituents, and procure such information as might satisfy them that in giving up a share in the commercial advantages of the country to Ireland, they were not doing an essential injury to Great Britain, by ruining its manufactures.

Lord *North* said, he rose not to give any opinion upon the resolution: it was impossible that he could do it, because no gentleman could make up his mind to it till he had received a great deal more information, and had fully considered it in every point of view. He rose to put in his claim to deliver himself upon it hereafter, and to prevent his silence from being interpreted into a consent to any part of the resolution, or of any one idea upon which the right hon. gentleman had

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endeavoured to justify the resolutions of the Irish parliament. He was not prepared to admit, that any system of intercourse was necessary to be at present arranged between Great Britain and Ireland; much less was he prepared to say, that if such an arrangement was necessary, that system, the outlines of which the right hon. gentleman had stated, was the sort of system that either policy, expediency, or common sense, pointed out as fit to be adopted. With regard to the right hon. gentleman's attack on the House of Commons that adopted the resolutions that he had proposed in 1779, and the attack on him in particular, whom the right hon. gentleman had thought proper to charge with having come forward with the proposition of concessions to Ireland, on the part of Great Britain, that were rash and inconsiderate, inasmuch as they were given without regard to any return; those who knew the transactions of that House at the time, well knew that the right hon. gentleman had not correctly stated the facts. The resolutions that he had proposed, were, at the time, submitted to the House as a boon, which the peculiar circumstances of the times rendered it expedient for this country to grant to Ireland; but it was not a boon rashly given, or given without return. The commercial interests of this country were saved whole and entire; the British merchant, manufacturer, and trader, were preserved from injury; they were not made a sacrifice to Ireland; but Ireland was indulged in a right of importation on equal terms, and for that right she was confined to import the rums and sugar of the British West India islands. That was the price she paid for the boon, and to that bargain the British House of Commons were willing parties. Having stated this, his lordship proceeded to animadvert on the 10th and 11th Resolutions, which were, indeed, he said, extremely defective and inadequate, if they were to be considered as a stipulation and security for the price that Ireland was to pay for the extraordinary and unexampled favour of having all the trade, manufactures, and commerce of Great Britain thrown at her feet. In the 11th Resolution as it then stood, Great Britain was to receive nothing but what could be saved out of the reduction of the offices of government. This was a theoretical and speculative mode of giving a return for a substantial and valuable concession. But the right hon. gentleman's method of making out that the Irish were to support the naval force of the empire, was still more extraordinary; according to his statement, the hereditary revenues of the crown of Ireland had long been inadequate to the annual expenditure of that kingdom; and, in all probability, so they would remain for a considerable time, if that part of the right hon. gentleman's argument was founded, in which he had taken pains to convince the committee, that it would be highly impracticable for Ireland ever to become a powerful rival in commerce, navigation, and manufacture, to Great Britain; at least, that it was utterly impossible that she should much increase in either for a very considerable length of time. The increase of the hereditary revenues must, he conceived, as they arose from the customs, the excise, and hearth money, depend altogether on an increase of trade, navigation, and population; neither of which, it might be inferred from what the right hon. gentleman had said, was likely soon to take place. Having urged this, he took notice of what Mr. Pitt had said in justification of his having caused the propositions to have been stated to the Irish parliament before they were opened to the committee of that House. With regard to that matter, he declared, whenever a bargain was to be struck, and large concessions were to be made on one side and very slender ones on the other, he should have imagined that the nature of the bargain ought to have been first told to that party who had the most to concede: in the proposed bargain, Great Britain, if she came into it, would have a great and important concession to make; Ireland scarcely any; the terms that the ministers had it in contemplation to propose, ought, therefore, in his opinion, to have been first stated to the British House of Commons.

Mr. *Dempster* said, that whatever particular objections the propositions now made might seem liable to, there was at present every reason to approve them in the general. Our sister kingdom had for some time past been overspread with jealousies and discontents, and divided into parties; delegates controlling parliament, and parliament controlling delegates. If the particular circumstances of the times had induced this country to grant somewhat more than might appear necessary, he was not satisfied even with that, when he contemplated the sad effects with which a contrary system was attended in our con-

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duct to America. Objections of nearly a similar nature had been made of the cheapness of the labour in Scotland at the time of the Union, and yet since that time Scotland had not grown richer, nor England poorer. The utmost jealousy seemed to prevail on this side of the water, for many years, in every article of Irish commerce. This was sufficiently manifested some time since, when beef and butter were allowed to be imported from Ireland duty-free; the precaution was then taken, of only suffering this to continue from year to year; however, by a late act, this privilege was made perpetual, and no bad consequence was experienced from it, but, he believed, many good ones. If Irish manufactures were suffered to be imported into this kingdom, the English manufactures had the same advantage of being imported there: and should that consideration still prevail, that Ireland would have the advantage over us in the cheapness of labour, and its exemption from heavy taxes and an enormous national debt; let our conduct be to pursue a vigorous and effective measure for redeeming the country from the embarrassments which a long and expensive war brought upon it, and endeavour to put ourselves on the nearest footing of equality. He was determined to give his most cheerful assent to a system which promised to reconcile the affections of our sister kingdom, and unite her in the same pursuits of interest and affection.

Lord *Penrhyn* said, that before this measure should be decided on by the House, it would, in his opinion, be extremely proper to give the manufacturers of this country time to consider how far they might be affected by those proceedings, and represent, if necessary, their situation to the House; another body of men were also highly interested; the West India planters and merchants considered the propositions as likely to affect the Navigation Act, and to endanger the commerce of the colonies.

Mr. *Fox* said, he would not take up a great deal of the time of the committee, as he meant not in that stage of the business to go into a discussion of the propositions, a matter that would unavoidably lead him into great length; nor would he debate the general resolution before the committee, which he was glad they were not called upon that day to decide by vote, since it extended to the whole of the resolutions that had been read, and comprehended the extreme of the extraordinary system, the outlines of which had been explained to the committee. He rose, he said, in consequence of some allusions which the right hon. gentleman had made, he supposed, to what he had said in a former debate on the subject of the propositions having been stated to the parliament of Ireland, before they were opened to that House. No man, Mr. Fox declared, thought more highly of the right hon. gentleman's abilities than he did; but nothing he had said that day had in the least altered his opinion of the matter he had just alluded to. He thought it not only highly indecent and disrespectful that the propositions had not been first opened to that House, but a circumstance that might produce consequences of the most mischievous nature. As the business had been managed, there might be, indeed it was true, there would be, some mischief arise if that House did not agree to the propositions; and yet, mischievous as he was free to acknowledge it would be, he, for one, was afraid that he should not be able to give them his consent. Invert the order of the proceeding, and then let the right hon. gentleman see how the matter would have stood. Had the proceeding originated in that House, and had they agreed on any propositions as the basis of a system of intercourse with Ireland, and the parliament of Ireland had afterwards refused its concurrence in those propositions, they would have been then but where they were when they set out, and no great harm would have been done. The case was far otherwise at present.

Mr. Fox, after this remark, said, it had struck him as a singular instance of ingenuity, that, in opening the outlines of the system of intercourse with Ireland in the contemplation of his Majesty's ministers, the right hon. gentleman had contrived to do away a good deal of what had been said upon the subject in another speech, delivered in another assembly; indeed the right hon. gentleman's speech, by far the greater part of it, had been little else than an answer to the speech of Mr. Orde in the Irish House of Commons; but, after having read the one, and heard the other, he must do Mr. Orde the justice to say, that he thought he had defended the propositions, and argued upon them infinitely better than the right hon. gentleman. It was not, however, a little curious to observe, in how different a manner the minister in Ireland and the minister in Eng-

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land had recommended the same propositions to two different parliaments. In Ireland they had been stated as highly advantageous to that country, as putting it upon the same footing with Great Britain, and rendering it an emporium of trade, and the source and supply of the British markets. In England, and in that House, they had been told the system was advisable, and the propositions were such as this country might gladly accede to.—Why? "Because it gives Ireland nothing but what it had before; because Ireland can't rival you; because Ireland is poor and feeble; and because Ireland must remain so, if not for ever, at least for a considerable length of time."

Having urged this, Mr. Fox said, he was not certainly prepared, nor was that a fit moment for him to enter at large into his objections to the several propositions; but he entertained many, and those of a nature not very easy to be removed. Some, in fairness and in candour, he would hint at. Among others, the fifth proposition struck him as liable to great objection, and as likely, in its operation, to contradict and destroy the very principle that had been stated to be that on which all the propositions were founded. He entered into a discussion of the nature of what was termed the countervailing duties, and put the case of a piece of broad-cloth about to be imported from the country in which it was made. This he argued to its conclusion, and urged that its result would be a direct contravention of the principle of all the resolutions, and a perversion of an established maxim of commercial policy. Mr. Fox also asked how, if the propositions were adopted, they were to guard against the produce of the colonies of foreign states being first smuggled into Ireland, there put on board Irish or British bottoms, and so brought into the ports of this kingdom? He said that large quantities of rums, sugars, and much other produce of foreign powers, might thus be smuggled into Great Britain. The whole tendency of the propositions appeared to him to go the length of appointing Ireland the sole guardian of the laws of navigation, and grand arbitress of all the commercial interests of the empire; a trust which he felt no sort of inclination to part with out of our own hands; not even to delegate to Ireland, of whose generosity, loyalty, and gratitude, no man entertained a higher opinion.

Having given, what he called, hints of several of his objections, Mr. Fox proceeded to the defence of lord North and himself from the attacks of Mr. Pitt on the score of the concessions they had severally made to Ireland formerly. He said, when the right hon. gentleman opened his speech, he had given him very great pleasure; but he soon took care effectually to remove that satisfaction. When he had heard the right hon. gentleman solemnly express a hope that there was a disposition in all parts of the House to unite in a business of so much serious importance, he had taken it for granted he should not have heard any thing like personal attack and personal provocation from him that day; but the right hon. gentleman had soon undeceived him, by talking of calumniatory publications industriously circulated, and by making a most uncalled-for attack upon his noble friend. At the same time that his noble friend had made the propositions to the committee in 1779, undoubtedly he had himself thought great blame was due for the having suffered the affairs of Ireland to remain unadjusted thus long, and a share of that blame he had then said, and always would say, was imputable to the noble lord; but by no means was the noble lord alone to blame. There were those now sitting near the right hon. gentleman, who, at that time, lived in confidence with the noble lord, and supported his measures; to them he appealed for their opinions of his noble friend's conduct, and whether they had not approved of the concessions he had proposed to that House as proper to be made to Ireland? The House in general had approved of them, and he himself among others. With regard to the resolution he had brought into the House, to which the right hon. gentleman had adverted, that resolution, if he did not quite forget the circumstance, did not originate with his Majesty's minister, but was the consequence of an Address from one or other of the Houses of Lords, either here or in Ireland. There were those now in office who were at that time in office with him, and he perfectly recollected that the resolution was shewn to the whole administration, who at the time approved of it. Those to whom he alluded were lord Camden, lord Sidney, and the duke of Richmond; but sure he was, at that time, not one of them had it in contemplation to proceed to any such extravagant length of concession to Ireland as the system opened to the House that day

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would go. Mr. Fox said farther, in defence of lord North's concessions, that the first secular officer of the crown at that time had also been in the same situation when his noble friend came forward with the resolutions of 1779, and they had his approbation and consent.

Before he concluded, he referred to what Mr. Dempster had said, declaring, that he hoped the House would not be so disgraced as to have the doctrine of his hon. friend avowed by any minister, namely, that the dissentions in Ireland rendered such an extent of concession, on the part of Great Britain, necessary. He regarded the late proceedings there with a view to prevent the holding of the meetings of the delegates as highly unconstitutional. He said he should consider it as no answer to hear it said, "The laws of Ireland are not the same with those of this country." The statute law might differ in particular cases; but the common law was the same in both countries, springing from the same source, governed by the same precedents and the same usages, bearing the same analogy and administered in courts precisely similar in their constitution to the courts of Westminster-hall. What the common law of England, therefore, would not countenance and warrant, the common law of Ireland, he was persuaded, would neither countenance nor warrant: but be that as it might, he hoped that House was not to be told, that, from motives of apprehension and timidity, on account of the feuds and dissentions in Ireland, it became necessary for Great Britain to purchase her tranquillity at the expense of her trade, her commerce, and her navigation. He declared he differed with the Chancellor of the Exchequer, *toto cœlo*, as to the points in which the right hon. gentleman had said he would trust Ireland, and those in which he chose to "make assurance double sure." Mr. Fox said he would trust every thing to her generosity, but not much to her prudence. Ireland would always give Great Britain every possible assistance when she had it in her power; but she might not act in moments of difficulty with a degree of wisdom equal to the exuberant gratitude of her nature. He said he would not challenge the truth of the declaration of the right hon. gentleman, that Ireland would be perfectly satisfied, and would ask no more of this country, after the proposed concessions were made; this might be true, for the best of all possible reasons—because this country would then have nothing left to concede. He repeated, that he believed he should be under the necessity of opposing the propositions; but he did most earnestly deprecate the idea, that because the parliament of Ireland had agreed to the propositions, and because the rejecting them would be productive of some mischief, that House was to be precluded from freely debating them, and exercising their opinions as became them as members of parliament to exercise them for the good of their constituents.

Mr. *Dundas* said, it was very true that he had supported the noble lord when he proposed the resolutions in 1779. The noble lord was, in his mind, perfectly justifiable in what he had done; let the committee recollect, that the noble lord was at the time embarrassed with the conduct of an irksome and expensive war; it was, therefore, sufficiently to be accounted for how the noble lord came of a sudden to make the propositions relative to an equal trade between Great Britain and Ireland, that he then brought forward; but the right hon. gentleman was mistaken in saying, that he (Mr. Fox) had at the time approved of the resolutions. The right hon. gentleman had at the time declared he would give no opinion upon them one way or the other; he had said he would not pledge himself to any thing, nor had he otherwise approved of them than by acquiescing in them, without giving them a negative, or taking the sense of the House upon them. With regard to the proposition of 1782, let the right hon. gentleman recollect, that it was brought forward by him precisely in the same way in which his right hon. friend had brought forward the propositions that had been read that day. It had been first propounded to the Irish parliament, had been there agreed to, and then proposed by the right hon. gentleman to the committee of the British House of Commons. Mr. Dundas reminded the committee of the race for popularity that had been run by the various successive administrations, about that time, on the subject of Ireland, and said, the different circumstances of the times justified the different extent between the system now proposed and the former concessions to Ireland. In those former concessions we had gone so far, that he was perfectly convinced that nothing but going as much farther as the propositions of that day went would esta-

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blish an intercourse between the two countries on an amicable and permanent footing.

Mr. Alderman *Watson* highly praised the manner in which Mr. Pitt had opened the important business; but urged him to grant the committee as much time as possible, in order to enable them to inform themselves fully of the subject.

Colonel *Fitzpatrick* rose to correct a mis-statement that Mr. Dundas had made, relative to the resolution of 1782 having been proposed by government to the Irish parliament previous to Mr. Fox's having proposed it in that House. An Address to the Crown, the ground of the resolution of 1782, had been proposed in the Irish parliament when there might be said to have not been any existing government in Ireland. He had not at the time, though secretary to the duke of Portland, a seat in the Irish House of Commons, nor had any person connected with the lord lieutenant either proposed or supported it; it could not, therefore, be deemed the act of a minister, but was in fact the result of a private motion, which no influence or power of a minister could have prevented.

Mr. *Pelham* stated the difficulty that would occur relative to the linen manufacture; for by the new resolutions, we were for ever to yield up the power which it gave us.

Mr. *Rose* desired to say a word or two upon a point on which an hon. gentleman had laid considerable stress; that was, his doubt respecting the illegal introduction of French sugars through Ireland into England. Mr. Rose said there were two securities against it. He adverted to a passage lately cited in a former debate by Mr. Eden, from Montesquieu, as to its being a fundamental law of all European nations to exclude the traffic of foreign powers with their colonies: he said, the French king had lately proceeded upon this, and had issued an *arrêt*, conformably to Montesquieu's idea, which would be well executed by the French officers, governing French islands. He added, that the smuggling alluded to was utterly impossible to be carried on, from the manner in which the laws had guarded against it both in the British islands and in Ireland.

Mr. *Eden* said, that he congratulated the West India merchants, the planters, and the sugar-refiners of Great Britain, on this new security to their property, under the efficacious preservation of a French edict; possibly, those important bodies of men might have been better satisfied if the hon. gentleman had laid more stress on his other security, the impossibility, which rested for the present on assertion, and not on argument. As to the general business before the committee, he would enter into it at a future opportunity; in the mean time he thought it fair towards Ireland to remark, that this mode of sending back her specific propositions from the British parliament, without a better explanation than could be drawn from the general question before the committee, tended to involve the negociation in a general embarrassment, and to create a soreness in that kingdom. It was also exceptionable as to England, for it seemed to imply that if the present requisitions on the part of Ireland should not be complied with, and her circumstances nevertheless should become great and rich, she was not expected hereafter to furnish a larger proportion to the expenses of the empire than at present. He also said that the hereditary revenue was a bad measure of the improving circumstances of Ireland; for it was easy to shew that the increase of that revenue was by no means a certain consequence of the increase of Irish trade and commerce, and in fact that revenue had been higher many years ago, when Ireland was suffering in extreme poverty, under the illiberal system then maintained respecting her. He desired, however, not to be understood as either wishing for a compensation, or as willing to give what was proposed, or as prepared to deny it. The whole was just matter of consideration: the merchants and manufacturers of the kingdom must be consulted, who best understood the subject. Reciprocity, and mutual interchange of prohibitions and bounties, and full participation of advantages, were all great and well-chosen words: but it would, at the same time, be right, before the country was guided by phrases, to consider her relative situation. The debt of Great Britain, compared with that of Ireland, was in the proportion of one hundred to one; and the taxes paid in Great Britain were fifty shillings annually for each individual, whilst those paid in Ireland were not a sixth part of that amount. Under such circumstances, and when, in all reciprocity, the islands at least were the separate property of Great Britain, the question, both of justice and expediency, ought to remain open. Possibly there were some points in the respective commerce of the two coun-

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tries, in which their interests were irreconcilably separate and distinct: possibly it might be shewn, in some instances, that the sale of Irish manufactures would proportionally decrease the sale of British manufactures; and that the increase of Irish revenue would proportionably decrease the British revenue. The plan proposed was a total and sudden voluntary revolution in the whole system of commerce. If half the objections that night started to it were well founded, the establishment of such a plan would gradually, but certainly, be followed by the sinking of British rents, and the destruction of the funds and of public credit; but he would gladly hope, and earnestly endeavour to find that such forebodings were utterly ill-founded. He concluded with thanking the Chancellor of the Exchequer for having reminded him of a publication, which he had heretofore risked on this subject. He certainly should ever reflect with pride and with pleasure, that he had five years ago been the first man in this kingdom who had ventured to sign his name to a wish that the Irish trade should have the great advantages at that time or soon after given. The same principles of liberality and affection towards Ireland still subsisted; but in his attachment to the one kingdom, he must not be expected to desert the essential and solid interests of the other.

Mr. *Pitt* said, it would be right to direct the chairman to report progress and ask leave to sit again; and as he did not wish to hurry a business of such importance, he would name that day se'nnight for the committee to sit again.

Sir *W. Cunyngham* said, an alarm had already reached Scotland of the business, and that her linen trade would be ruined, if the proposed system were adopted. He hoped that the right hon. gentleman would name a more distant day, that he might have time to hear from his constituents upon the subject.

Mr. *Pitt* said, the hon. baronet had assigned two extraordinary reasons for delay; the one, that he might have time to send to Scotland, which was already alarmed, though at so great a distance; the other, because the Scotch linen manufactory would be ruined, which was almost the only branch of manufacture that would not be in some sort affected by the proposed system.

Sir *W. Cunyngham* said the right hon. gentleman was mistaken in his idea, and that his ridicule was ill directed. The proposed system, he presumed, would affect the traffic in painted and printed linens, and thus injure the linen manufactory of Scotland; and as to the alarm already taken in the north and the necessity for more time, in order that he might hear from his constituents, he trusted there was nothing irreconcilable to common sense in that idea. The Irish papers, with the debates that had passed in the Irish House of Commons upon the subject, had reached Scotland; but nevertheless the linen manufacturers in that kingdom had not had time to come to a decision what steps were most proper for them to pursue, in order to avert an evil of so alarming a nature.

The *Lord Advocate* of Scotland corroborated what sir William had said, and pressed for a few days longer interval, before the business was brought on again.

Mr. *Pitt* said, when he had named that day se'nnight, he meant that the committee should then sit to receive such farther papers and information as might be ready, and if any gentleman were to rise and assign a reason why it would be advisable for the committee to adjourn the farther consideration of the resolution, he would readily consent.

The chairman reported progress, and asked leave to sit again.

March 3. Mr. *Pitt* said, that anxious as he was that they should proceed in settling the commercial intercourse between the two kingdoms, he would not press the business forward with indiscreet haste. At that moment he was unapprized of any application that was intended to be made from any quarter to be heard by counsel at the bar, or to produce any evidence, that might state to the House facts and circumstances which had relation to the system, an outline of which he had the honour to open to them on Tuesday se'nnight; he should therefore name some day in the next week for the committee to sit again, for the purpose of receiving information, examining witnesses, or hearing counsel, should any be offered; and when that day came, if no application should be made to desire that counsel might be heard, or witnesses examined, it was his intention to propose some resolution upon the business. He concluded with moving, That the Committee of the whole House do sit again on Tuesday next.

Sir *W. Cunyngham* said, if he under-

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stood the right hon. gentleman correctly, he meant, if no application should be made to the House to be heard by counsel on or before Tuesday, on that day to propose to the committee some decisive vote on the important business of Ireland. [Mr. Pitt nodded assent.] Sir William said, he hoped the right hon. gentleman would give the House more time, in order that gentlemen, whose interests would be very materially affected by the Resolutions, and whose residence was at a distant part of the kingdom, might have time to prepare such evidence, as they should think proper to lay before the House. The Resolutions agreed to by the Irish parliament, if made the basis of the intended system of intercourse, would affect Scotland in a much greater degree than might be imagined. He would state to the House an article, which would be so exceedingly affected, as to endanger the ruin of the landed interest of Scotland, and that was the article of grain. If the Resolutions were agreed to, as they stood at present, the Irish would import grain into the western ports of Scotland, and greatly undersell the Scotch farmers; the consequence of which would be, the latter would not be able to pay their rents, and thus the land-owner would be ruined. Sir William stated the nature of the laws which govern the export and import of corn into Scotland, and shewed, that while under those laws, the ports on one side of the kingdom might be shut, the Irish might be pouring in their corn through the ports on the other. For the sake, therefore, of the landed interest, he wished the Chancellor of the Exchequer would not hurry the business. Another subject that would be materially affected by the Resolutions, was the fisheries of Scotland; he said, he lamented that the father of the fisheries was in another place. That gentleman (and every body knew who he meant by the title he had given him) would, had he been present, have had it in his power to give the House much better information on the subject, than he could; but undoubtedly the fisheries of Scotland would be greatly injured, perhaps entirely ruined, by the Irish being let into a free participation of them. Sir William said, he did not see the member for Glasgow in his place; but to his knowledge that hon. gentleman had a petition to present from the chamber of commerce of Glasgow, who were greatly alarmed at the Resolutions, a circumstance that the learned gentleman who sat next the Chancellor of the Exchequer might be apprized of. He had also himself, sir William declared, received a number of letters from Scotland, stating that meetings were to be held for the purpose of considering what were the steps most proper to be taken to avert so great an evil; on all these accounts, therefore, he hoped the right hon. gentleman would name a more distant day than Tuesday.

Mr. *Dundas* said, there was no fear that sufficient care would not be taken to let the gentlemen of Scotland know of the nature of the Resolutions that were upon the table, and he believed, the gentlemen of that country were not remarkable for inattention to their own interest. But if a petition from Glasgow had actually been received by the member for Glasgow, it was pretty evident that the people of Scotland were already apprized of the subject, and had found time to take measures upon it. Indeed he held in his hand a pretty strong proof, that it was not likely for the Scotch to be any strangers to what had been done upon the affairs of Ireland in that House; for the printed paper which he then held, he received from Edinburgh two posts ago. That paper had been circulated with great industry through every corner of the kingdom; and infinite pains had been taken to mislead and inflame the public, by misrepresenting the true features of the propositions, with regard to the intended plan of connexion between this country and Ireland.

Mr. *Gascoyne*, jun. said, he had a petition to present from his constituents of Liverpool on the subject in debate; a subject that he conceived to be of so much importance to the commercial interests of the country, that it ought to be discussed with the utmost temper and candour. He was sorry, therefore, to see it taken up with no inconsiderable degree of warmth. He had thought it his duty to write to his constituents a full account of what had passed upon a subject so interesting to them, on the evening of the day on which the Chancellor of the Exchequer had first opened it to the House. In consequence of having so done, the merchants of Liverpool had met last Sunday, discussed the propositions, and drawn up a petition to the House, which they had transmitted to him to present. That was not, he knew, the proper time to state the nature of it; but when the debate on the question before the House was over, he would move, that the petition might be brought up.

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His constituents had not instructed him to say, that they wished to be heard by counsel upon it, but they might possibly furnish him with another petition for that purpose. He thought it right to say, however, that he had written to them, to depute a few of their body, best informed on the subject, to come to town and assist him, how to act in a matter in which they must necessarily be so much more conversant than himself.

Mr. *Fox* rose to declare, that should it happen that no application was made to be heard by counsel, or to offer evidence of facts at the bar, he, for one, should object to the right hon. gentleman's pressing the House to come to any vote respecting the propositions that had been laid upon the table, as resolutions voted by the Irish parliament; nor should he object to such a motion only on Tuesday next, but on that day week, or even that day month, should they not have by that time heard something more of what had been done upon the subject by the parliament of Ireland. Circumstanced as they were, it was impossible to proceed to vote any proposition whatever, before they knew the whole that the parliament of Ireland had done upon the subject, without getting into a situation the most extraordinary that ever parliament put a country into. He begged gentlemen most seriously to revolve in their minds the very singular predicament in which the parliament of England and the parliament of Ireland would stand, should that House, either on Tuesday next, or any subsequent day, come to a decisive vote upon the subject without previously knowing what was the ultimatum of the parliament of Ireland. The right hon. gentleman had stated it as the great good of his system, and as matter of reproach to the noble lord in the blue ribbon, and to himself, and to such other persons as had ever proposed any thing to be done for Ireland, that they had not taken care to obtain a return on the part of Ireland for what this country granted her. Now, as matters stood, the House was ignorant what that return, what that something, what that *quid pro quo* was? By slight conjecture only had he any idea what it was; and his conjecture was grounded upon the Resolution of the parliament of Ireland, which Mr. Orde had proposed on the Monday, subsequent to the vote of the former ten Resolutions on the Friday. He supposed, therefore, that it was that Resolution that was to be the return; but till the House knew it, they could not vote a decisive resolution of their own without precipitating themselves into a dilemma. The situation of the two countries would then be this: on the Journals of the parliament of England, and on the Journals of the parliament of Ireland, would stand Resolutions criminating each other. When he, on a former occasion, reprobated the business being first opened in Ireland, as a matter equally indecent and inconvenient, and as a matter that would be attended with serious ill consequences, he had been answered by its being said, that if the parliament of England had first voted Resolutions, and the parliament of Ireland should refuse to agree to them, it would be a circumstance disgraceful to this country, and perfectly nugatory. Now this very disgrace would the House incur, should it proceed to a vote, before the parliament of Ireland had come to its ultimatum. It would be liable also to all the other inconveniences that he had himself stated. Mr. Fox repeated his determination to oppose any attempt to press the House to a vote upon the subject, so early as Tuesday, desiring gentlemen to hold it in their minds, that they would have done nothing but sown the seeds of future ill blood between the two countries, should they vote a resolution, before they were informed of the ultimate determination of Ireland.

Mr. *Pitt* declared that it was highly necessary he should say a few words in order to remove the mischievous impression, which the right hon. gentleman had taken so much pains to make on the minds of all who heard him. What the right hon. gentleman had said that day, was another proof of the wish there was prematurely to bring forward a general discussion of the subject, to mislead the public respecting it; for the whole of the right hon. gentleman's speech had been either a mis-statement of facts, or directly contradictory to all the right hon. gentleman's former arguments. The right hon. gentleman had before complained of his having caused the business to be opened in the parliament of Ireland, and had declaimed with his customary vehemence against the circumstance, as indecent, disgraceful, and dangerous to a degree. And yet, would any man in his senses think it possible, the same right hon. gentleman had that day contended, that the business ought to be brought to a conclusion in the parliament of Ireland, before it was pro-

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ceeded upon at all in that House! Let the House, let the public mark this strange inconsistency; and let them decide, what degree of weight any arguments ought to have, that proceeded from a quarter of so little steadiness and so little authority. With regard to the idea of waiting for the parliament of Ireland, he entertained no such sentiment: if any application should be made by parties who thought themselves deeply interested in the system of which he had stated to the House the outline on a former day, to be heard either in evidence at the bar, or by counsel, he should certainly be for dedicating Tuesday to that business, and if that day should not be enough to receive all the information that might be offered, let Wednesday be also taken, and so on till the whole could be gone through, and after it was all heard, his intention was to propose a resolution for the House to vote, because he thought it highly necessary that the parliament of Great Britain should come to some decision or other upon the subject; and this decisive resolution he should propose on Tuesday, in case no application to be heard either in evidence or by counsel was made, whether the parliament of Ireland had made their ultimatum or not. That the parliament of Ireland had not been sufficiently explicit in declaring what the compensation was she was willing to make in return for being admitted to a participation of the commerce of Great Britain, he was ready to admit, and had expressly said, when he opened the propositions to the House; but the parliament of Ireland had clearly and undeniably recognized the principle upon which the intended system was founded. The parliament of Ireland had met the proposition completely, though in the first instance she had not admitted it to its full extent. Was this doing nothing? Was it not the direct contrary? Supposing even that nothing more was done, was it not getting on a very considerable way in laying the ground for a system of intercourse that was to establish the harmony between the sister kingdoms, cement their connexion, unite their interests, and promote their mutual prosperity, to come precisely at an authentic declaration of what Ireland wished for? Was there a man who heard him so weak a reasoner as to attempt to argue, that it was not a progress tending essentially to facilitate a future arrangement on a broad and permanent basis? Mr. Pitt adverted to misrepresentations, that had been studiously circulated throughout the kingdom with an artful design to poison the minds of the public, and prejudice them against a plan of the utmost importance to the national interests: he reprobated them in severe terms, and hoped the good sense of the people would operate as an antidote to such poison, and render its effect as innocent as its purpose was base and malignant.

Mr. *Fox* said, he had not been actuated by any wish prematurely, and at an improper time, to go into a general discussion of the affairs of Ireland, but had thought it candid to say fairly and plainly what his intentions were, if the right hon. gentleman should next Tuesday press the House to a decisive vote under the present circumstances of the business. The right hon. gentleman had charged him with inconsistency, but in fact there was no inconsistency, in his having said, he disapproved of the business having been opened to the parliament of Ireland before it was stated in that House, and his having that day declared, he would object to any proposition that House might be called upon to decide, before they had heard the ultimatum of the parliament of Ireland. He had said, and he was sure that it would have been more handsome and more decent to have begun the business within those walls; but the other method having been taken, the case was so altered, that it should be known entirely and completely what the wishes of Ireland were, before that House proceeded to take any decisive step in the business. For his part, he disapproved of the matter, as well as the manner, of making the propositions; a free grant on the part of each country struck him as the properest mode of coming to an adjustment satisfactory to both. But, at any rate, it would have been better for the two parliaments to have separately resolved what each was disposed to give. Mr. Fox pointed out the extreme difference between Ireland declaring voluntarily, and on her own mere motive, what her wishes were; and the business being opened there by an Englishman, a member of the British parliament, who went over to Ireland, procured a seat in the Irish House of Commons, and, in the capacity of secretary to the lord lieutenant, or, as it would, unconstitutionally speaking, be called, acting as the British minister in Ireland. He contended that the ministers at home, and the ministers in Ireland, had

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led the parliaments of the two countries into the strange situation of holding a different language on the same business, and voting resolutions of a contradictory and even of a criminating nature. With regard to what the right hon. gentleman had said of industrious misrepresentation, he could only say for himself, that he had neither seen nor countenanced any misrepresentations; the publications he had seen were mostly extracts from the speech of Mr. Orde in the Irish House of Commons; the right hon. gentleman, therefore, must mean to charge Mr. Orde with misrepresentation, if he intended to charge any body. But of this he was sure—to endeavour to represent the matter as it really was, to inform the people of a subject of the first importance to the national interests, to draw their attention to it sufficiently, was a laudable and a worthy species of industry, of which no man need be ashamed. Mr. Fox concluded with declaring his intention to oppose any attempt to call upon the House to come to a decisive vote till they had heard farther from Ireland.

Mr. *Eden* said, he would fairly state the point at which he conceived the debate to rest. He understood the Chancellor of the Exchequer to have pledged himself to state in the committee of Tuesday next, specifically, what it would be expedient for this kingdom to give to Ireland, and also the specific compensation which ought to be expected in return from Ireland; and farther, that full time would be given in the committee for learning the opinions of others, and for receiving every information which could tend to complete the inquiry, before it should be proposed to take the sense of parliament in the form of a question. To his feelings this proceeding was fair and satisfactory.

The question was put and carried.

Mr. Gascoyne junior presented a petition from the gentlemen, merchants, and others, inhabitants of Liverpool, setting forth,

"That an equal participation in all the privileges and advantages of a community should, by every rule of right, reason, and justice, include in it a mutual obligation to encourage, maintain, and defend those rights, and to contribute equally to their support; that the island of Great Britain, when first united in legislation, manufactures, navigation, and commerce, became united also in taxation towards the general support of the common good; that admission of any neighbouring kingdom to a full share in all these rights, without subjecting her to sustain a due proportion of the general burthen too, would be a great deviation from those principles upon which the union of this island was wisely founded; that our American colonies, first established by ourselves, still supported by our consumption of their productions, and protected by our navy, at a constant and immense expense, make only an equitable return to the parent state, by rendering Britain the grand mart of their intercourse with Europe; that, from the vicinity of Ireland, and its great extent of coast, no inconsiderable part of the West India productions, especially such articles as are subject here to the heaviest duties, might be smuggled in upon us, to the great detriment of the revenue of this part of his Majesty's dominions; and that, as the productions of foreign plantations may be legally imported into Ireland, they may from thence be clandestinely introduced amongst us, and our colonies thereby deprived of the advantages they now derive from the exclusive supply of this country; and therefore, praying, that the privilege of supplying her own markets with the produce of her own colonies may be preserved inviolate to this kingdom, and that every farther extension of trade between Great Britain and Ireland may be established upon such equitable principles, as will redound equally to the mutual benefit of both countries."

On the motion that it do lie on the table,

Mr. *Pitt* congratulated the House on their having had a Petition presented from an enlightened body of men, the merchants of one of the first trading towns of the kingdom, wherein the strongest testimony was borne to the rectitude of the principle, upon which the propositions that had been opened to the House were founded. He considered it as a proof that all attempts at misrepresentation must fail, where men employed their own understandings and judged rationally for themselves. The principle recommended in the petition was that, he said, which statesmen and patriots approved as much as merchants and manufacturers; a principle that was undeniable, viz. that a participation of benefits ought ever to be attended with a participation of burthens. It was upon that idea that ministers had proceeded in the formation of a system of intercourse with Ireland, calling upon the

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latter to meet a participation of the commercial advantages of England with a participation of the burthens incurred by the defence of the general commercial interests of the empire. Mr. Pitt applauded the passage in the petition that ascribed the practice of smuggling into Great Britain the produce of the West India, neutral, and French islands, through Ireland, to the improvident system of former commercial arrangements with Ireland.

Mr. *Fox* said, he was a little surprised that the right hon. gentleman should have chosen that opportunity to abuse the petitioners in so gross a style. Every word he had uttered was a direct attack upon their understandings, because, undoubtedly, a more explicit arraignment of the system of intercourse with Ireland, with the outlines of which the right hon. gentleman had favoured the House on a former day, could not be made, than was made in the petition that had been just read, the prayer of which was, that the House would take care to confine the British markets to British merchants. How far the language the right hon. gentleman had held was conciliatory, or likely to win upon the dispositions of the other mercantile bodies, who might think it necessary to petition, he would not take upon himself to pronounce; but though the right hon. gentleman had been ready, upon a cursory reading of a petition for the first time, to rise and brand the petitioners with being blockheads for stating allegations of one kind, and closing their petition with a prayer, amounting to a conclusion of a totally different complexion, he certainly was not prepared to treat the merchants of Liverpool with so much disrespect.

Mr. *Pitt* contended, that the premises naturally led to the conclusion. With regard to whether he had held a conciliatory language or not, or whether he or the right hon. gentleman had treated the petitioners with incivility or disrespect, it would be for the public to determine, if the right hon. gentleman's speech should be correctly reported.

The Petition was ordered to lie on the table.

March 11. Mr. *Pitt* said, that as he found there was a desire, in some persons, to be heard at the bar by counsel, to produce evidence on the subject of the commercial regulations with Ireland, he was willing, agreeably to the principle which had governed him through the whole of the business, to give sufficient time for that purpose. He should therefore move, that the order for going into a committee on the subject, might be postponed till Tuesday; by which time, he presumed, the petitioners would be ready to be heard.

Mr. *Stanley* then rose to present a petition from the manufacturers of Manchester, praying to be heard by counsel.

The *Speaker* said, he thought it his duty to state, that the petition purported to be the petition of a large number of persons, and was subscribed only by one as their chairman. He wished therefore to know, whether the House chose to receive it in that form. Such petitions, he said, had been received, but the practice of receiving them had not been frequent.

Lord *North* reminded the House of a petition that had been received in his time, that purported to be the petition of a whole county, and was nevertheless subscribed only by one name. He alluded to a petition of the county of Sussex, on the subject of parliamentary reform.

Mr. *Steele* said, that one person was the sheriff.

Mr. *Jenkinson* said, undoubtedly the House could not recognize any meeting, or aggregate body of men, who assembled without either the authority of the crown, or of parliament; but as it must be every gentleman's wish to receive the present petition, the difficulty would be easily removed, by receiving it as the petition of the single person who subscribed it.

This proposition was acceded to, and the petition was brought up and read. A fresh difficulty then arose how to frame the order for the petitioner to be heard by counsel.

Mr. *Pitt* stated the difficulty as a mere difficulty in point of form, and expressed a wish to be able to get over it.

Mr. *Fox* said, there was much less difficulty in a case like the present, than where a motion was made, that a petition be laid on the table. In that case, the degree of influence that every petition had with him, and, he presumed, with the House, depended on the authority of the persons whose names were subjoined; but where a petition came, praying to be heard by counsel, in that case, as facts were to be stated to the House, and arguments upon those facts, it was of very little consequence who the petitioners were; because it was upon the importance of the facts given in evidence, and upon the force

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of the arguments that the House were called upon to form a judgment. He therefore would consent to wave the punctilio of form, and make the order in any words the House should approve.

Mr. Pitt then proposed "that the merchants and manufacturers of Manchester be heard by counsel at the bar;" which was agreed to.

On the motion, that the House should go into the committee on Tuesday,

Mr. *Fox* said, that was the first opportunity that had presented itself for him to say a few words on the Report of the Lords of the Committee of Council, and of the conduct of his Majesty's ministers, which he thought extremely unwise; in respect to the propositions of the Irish parliament, at that time on the table. It appeared from the Report of the Lords of the Committee of Council, that two questions had been referred, the one to desire their consideration, "Upon the propriety of reducing duties payable in Great Britain on the importation of goods, the growth and manufacture of Ireland, to the same rate as the duties payable in Ireland on the importation of the like goods, the growth and manufacture of Great Britain." The other, "What preferences are now given to the importation of any article, the growth, produce, or manufacture of Ireland, by any duty or prohibition on the importation, use or sale of the like articles from foreign ports; and how far it may be the interest of Great Britain in future to continue or alter the same?"

What he meant chiefly to speak to, Mr. Fox said, was, two points that had not been referred to the committee of council, and which he must own not a little surprised him. The subject of the two questions that had been referred to the committee, and any information that could be obtained upon it, was certainly extremely desirable, extremely fit to be obtained by the committee of council, and extremely proper to be by them submitted to the consideration of the House; but what had struck him, and what he believed had struck every man's mind as the primary consideration of all, was the question of the propriety and policy of permitting the produce of Africa and America to be brought into Great Britain through Ireland. On that, in his humble opinion, by far the greatest part of the doubts, whether the propositions were such as Great Britain ought to accede to or not, depended. It was therefore not only extraordinary but somewhat unaccountable, that the question he had stated, was not referred to the lords of the committee of council. With regard to the questions that had been referred to the lords of the committee of council, and the examination and evidence that they had stated in their report, he did not doubt but they had proceeded with great wisdom and prudence, and that the questions to the manufacturers examined were such as ought to have been put; but he could not help remarking, that the lords of the committee of council themselves expressed a wish that they had had more time to pursue their investigation farther. This therefore confirmed opinions that had been floating in his mind before, of the extreme and pressing necessity for that House to have full and complete information before them, relative to all the probable consequences of the carrying into effect the whole of the propositions, previous to their going the length of the first proposition, which was a general resolution, involving and implicating all the rest. Mr. Fox expatiated on this argument very amply, and took infinite pains to press it on the minds of the House, as a matter exceedingly important, and as a matter deserving their most serious attention. If the lords of the committee of council, he said, whose judgment was not definitive, and was merely an opinion, neither operative nor binding, found occasion to express a wish, that they had been able to have given farther time to their investigation, and to have obtained a greater degree of intelligence and information, how much more necessary was it for that House, who were to act, and not merely to state matters of opinion, to be fully informed, before they proceeded to vote a resolution, to be made the basis of an intercourse with Ireland, that was not meant as a temporary expedient, but as a final and conclusive system? Let gentlemen consider the extremely disagreeable and even melancholy consequences that must ensue, if they precipitately voted the general resolution, and they should afterwards have applications made to them, in objection to the nine propositions. In that case, what must Ireland feel, and what would she have to complain of, but a departure from an implied agreement, and a gross breach of national faith?—a circumstance that would be attended with the most fatal consequences to both kingdoms. He wondered, therefore, that the

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right hon. gentleman had not thought it necessary, long before that time, to call to the bar of that House some of the best-informed and principal manufacturers of the kingdom, whose interests were likely to be at all affected by the system of intercourse to be arranged with Ireland, in order that the House might learn from them the probable consequence, with regard to the different branches of manufacture they were severally concerned in, that would result from that House proceeding to form a system of intercourse with Ireland, on the propositions that had been voted by the Irish parliament. Such information could not be had too soon, both upon the great consideration of the propriety of permitting the produce of Africa and America to be brought into this kingdom through Ireland, and upon the questions that had been referred to the lords of the committee of council. Indeed, there was an additional, and, in his mind, a very cogent reason, in proof of the necessity of calling witnesses before them on the two latter questions; and that was, that it appeared upon the face of the Report of the lords of the committee of council, that the lords had drawn conclusions from the evidence given by the merchants and manufacturers they examined, which the merchants and manufacturers were at this time contradicting at the meetings that were daily holding on the subject of the propositions. The inferences drawn from the examination of the persons examined before the committee of council, and stated in the Report, were directly the reverse of the inferences those persons drew themselves, as far as their public conversation and conduct went to prove what their opinions were. Mr. Fox here took occasion to mention the proceedings of the meeting of the West India merchants on Tuesday last, which, he said, were of a very different tendency from that which the right hon. gentleman had conceived, and stated to the House in the debate on that day. The West India merchants had not at that meeting declared that alarm; and very great alarm was not entertained by them on account of the propositions: that alarm was undoubtedly still entertained by them; but the matter in discussion, at the meeting last Tuesday, was merely the mode of their proceeding, in order to have such regulations introduced into the bills that should be brought into parliament, as should best tend to secure them and their commerce from the impending danger, which they thought likely to result, were not such regulations introduced. All that the issue of the meeting amounted to was, a resolution not to petition the House in that stage of the business. Mr. Fox said, there were different orders and descriptions of manufacturers, whose trade would be very materially affected by the intended plan of arrangement, and whom that House ought to have before them, previous to their proceeding to vote their general propositions. One set of men, not ordinarily ranked with manufacturers, though, strictly speaking, they were so, the ship-builders of Great Britain, ought in particular to be called upon and examined as to the consequence to their manufacture that they were of opinion would follow, in case the propositions were agreed to. By thus pressing for the manufacturers to be called to the bar, he did not mean to have it understood, that the House ought to be guided solely by their opinions; undoubtedly not. The House should act in this, as in every other case, according to its own sense, of the wisdom and policy of the measures to be taken; but he must nevertheless contend, that without having the fullest information before them, it was not possible for the House to judge, what the wisdom and the policy of the plan of intercourse with Ireland, that had been proposed to them, were. It might possibly be said, that calling for such information would occasion delay, and take up a great deal of time. That was, in his mind, no objection to what he had proposed; for let it occasion what delay, or take up what time it would, that time would be well spent, by the House making itself thorough master of the extent of the subject, before it came to a decisive vote upon it. Let gentlemen recollect, that when they had voted the general resolution, the House was committed to all the remaining resolutions; from which they could not retract without giving Ireland cause to complain of a breach of national faith, and without laying the ground for much future mischief. He pressed this again and again on the House, and said, he trusted it was the general wish of both sides, and the wish of every man both here and in Ireland, that the plan should be fully understood by both countries, and that there should not remain the smallest possible chance of future cavil. He asked if gentlemen felt themselves prepared to go the length of voting the first resolu-

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tion, before they knew more of the consequences likely to result from voting the rest. There was not one of them that did not, day after day, suggest new difficulties to his mind. The fifth proposition for instance, that respecting the countervailing duties, was a proposition extremely prolific of doubt and alarm. He dwelt for some time upon this, and said, the House ought at least to have the same opportunity of examining persons who were competent to give them information upon any parts of the subject, as the lords of the committee of council. For their own good therefore, for the security of administration, for the future repose and quiet of both kingdoms, he hoped the right hon. gentleman would see the propriety of what he had proposed.

Mr. *Pitt* said, that the right hon. gentleman need not have laboured so much, to prove that the general proposition involved the remaining nine. It certainly did involve the whole of them, and he desired that the question on the general resolution might be considered as extending to the rest. The great object was to give a full participation of commercial advantages to Ireland, and the resolution was to carry that object into execution; all therefore that was necessary to consider in this resolution was, whether it went to that end, and whether its principles were reconcilable to the interests of this country. If the opinion of the House was with him upon it, by passing this general resolution, the whole of his object would be accomplished. As to the calling to the bar the same evidence that had been already offered to the committee of privy council, and which was contained in substance in the Report of that committee now before the House; to that he should certainly object as absolutely unnecessary, the whole being substantiated with sufficient clearness in that Report. This evidence was collected from a number of persons, of various descriptions, who thought themselves interested in the subject, and voluntarily offered themselves to be examined, touching such parts of it as were within their knowledge. The Report, which recapitulated their testimony, was now before the public, and if it was found to falsify, to omit, or to add to any part of that testimony, the same persons who had given it, would, no doubt, be forthcoming, to establish those points, which they had already given their opinion upon to the committee of privy council; or if an unfair conclusion was attempted to be drawn from those premises, which their testimony afforded, they were at liberty, by petition, to set the House right. He knew very well, that it was perfectly unnecessary to invite witnesses to their bar, for setting aside the natural jealousy of trade, which would certainly be a means of impelling those who feared any injury to come forward; there was another kind of jealousy, which, he said, had already been exercised, and would, he imagined, be still exercised, to look for men and bodies of men, in order to send them to the House sufficiently prepared, and prompted with clamours and complaints. He wondered, if the right hon. gentleman had thought this oral evidence absolutely necessary for the House to have it received, that he did not apply for it to be received three weeks ago: but he imagined he could tell the reason why the right hon. gentleman did not apply before; it was not for the purposes of delay alone, but because he hoped, that before now he and his friends would have sufficiently embarrassed the measure by causing the table to be covered with petitions, and the bar to be crowded with witnesses. Finding these to fall short of his expectations, he had now no other resource left than by a suggestion, which, in effect, was nothing more than if he was to move in plain and direct terms, that the consideration of this question be postponed for three months, and thus defer for the whole of the present year, a plan which was necessary to promote the mutual interests of the two kingdoms, and a good understanding between them. To save this waste of time, was his second reason for objecting to the evidence being again repeated at the bar; for he would trust to the interests of individuals and the industry of opposition, that if any evidence, tending to set the proposed arrangement either in an unjust or an impolitic light, could be obtained, it would find its way to the bar, without invitation. He observed, that although the different parts of the plan in detail, and the modes of carrying it into effect, were subjects on which the House might expect information and assistance from the opinions of merchants; yet on the general idea, considering it as a state measure, he apprehended it was a question fitter for the judgment of parliament. He said, that the reason why the subject of the importation of the trade of America and Africa through Ireland to this

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country had not been taken up by the committee of privy council, and examined by evidence, as the right hon. gentleman complained, was this: the object of that committee was simply by evidence to come at facts, and not to look for the opinions of the witnesses. On this subject there were but two or three leading facts necessary to be known, principally with regard to the rules of freightage; all the rest of the consideration that it would require, would be more of a political nature than merely commercial; and as he had already hinted, sufficiently within the competence of the House, without assistance from without doors. He repeated, that the resolution alluded to by the right hon. gentleman would tie up the House so far to the spirit of all the subsequent propositions, that he should, after passing that, expect to see no opposition to those; and this he mentioned to the House, in order that they might be apprized of the extent of that resolution, and the use that was intended to be made of it, and of course be provided in their debate upon it to enter into their objections, if any, to the spirit of every appendant part of the system.

Mr. *Fox* rose again, and said, he really had not seen the Report of the committee of council till within the last two days, and therefore he had not had an earlier opportunity of saying what he had thought it necessary to say that day. With regard to his not having moved for persons to be called to the bar, he had purposely avoided it. Let the right hon. gentleman recollect, that he was, as it were, a kind of marked man, and that the right hon. gentleman and himself were involved together in many political opinions, and in various topics, that placed them before the public in a point of view more conspicuous than that in which most other men moved; under such circumstances, it would not have been proper for him to have made any such motion: besides, he chose to save himself from affording room for insinuation, as the right hon. gentleman had shewn himself ready enough to insinuate, even when there could be no grounds for it, that he had brought to the bar persons who had been prompted to give such evidence as should throw most impediments in the way of the proposed system of the intercourse with Ireland. Having said this, Mr. Fox repeated his argument, how necessary it was to call the merchants and manufacturers to the bar, who had been examined before the committee of privy council; because, as their declarations at their meetings were directly contradictory to the inferences which the lords of the committee had drawn from their examinations, and stated in their Report, the House ought to have an opportunity of hearing from themselves what their sentiments were. Mr. Fox urged Mr. Pitt not to wait for this or that member moving for persons to be examined, but of his own accord to bring to the bar some of the best informed of each branch of capital manufacture, that the House might sift the matter to the bottom before they embarked in it.

Mr. *Jenkinson* said, that having had the honour to be an unworthy member of the committee of council, he thought it right to state to the House what steps the committee had taken previous to the forming the report that was on the table. The committee had, in the first place, taken care to have it signified in all the manufacturing towns in the kingdom, that a committee of council was sitting for the purpose of receiving any information that the manufacturers wished to give touching the proposed arrangement of a system of intercourse with Ireland. In consequence of this, many gentlemen concerned in different trades and manufactures had voluntarily offered themselves to be examined, and they had given the committee considerable information, and had expressed themselves with extreme liberality on the subject. The committee had taken down the whole of the examinations, and had formed their Report accordingly. That Report they had presented to his Majesty, and the King had ordered it to be laid before that House. He was a little surprised, however, at hearing from the right hon. gentleman opposite, that the manufacturers now held a language different from their answers when under examination before the committee of council. They had given their answers so readily and so clearly, that he could not think it possible the gentlemen would at any other time, or in any other place, contradict those answers. With regard to the conclusions drawn from the whole of the different examinations, and stated in the Report, that was what appeared to the committee of council to be the fair deduction. How far it was so, or was not so, did not become him to say. It was but a matter of opinion at best. The committee, however, had acted to the best of

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their judgment; but possibly they might have been mistaken. Whether they had erred in judgment or not, would appear hereafter. The propositions had now been opened to the House three weeks, and the votes and proceedings of the House had made it a matter of notoriety throughout the kingdom. So far, therefore, the conduct of the committee and of that House had been analagous. The committee, previous to their doing any thing in the business, had taken the only means in their power of making it known that they were sitting, and ready to receive information; and the House, by its votes, had signified, that the propositions were before them, and that they meant to act upon them. His right hon. friend, he said, had surely proceeded in the matter with great candour, and had not in the least endeavoured to hurry the House, or take them by surprise. Three weeks had now elapsed since the propositions had been stated, and no person had desired to be heard respecting them but the persons from whom the petition presented that day came. He agreed therefore with his hon. friend, that if no other applications were made between this and Tuesday, that it was fair to conclude, there did not exist any objections in the minds of the merchants and manufacturers that were of weight enough to induce them to apply to the House, and pray that the propositions that had been agreed to by the parliament of Ireland might not be agreed to by that House. The subject had, he said, been under the consideration of the committee of privy council six weeks, and the House had already had it before them half that time. There had not been any application made to the committee of council since the examination of the manufacturers, whose examination was stated in the Report, excepting only on the part of the booksellers of London, respecting copy-right; which was a subject well worth the consideration of the House, inasmuch as the future interests of literature depended upon it.

Mr. *Fox* would confine himself strictly to explanation. From what the right hon. gentleman had said, an idea might go abroad, that he had asserted, that the manufacturers, who had been examined before the committee of council, had at their late meetings contradicted the answers they gave to the questions put to them by the lords of the committee. He begged the House to do him the justice to recollect, that he had not said any such thing. What he had said was this: the language held by the merchants and manufacturers at the public meetings, convened for the express purpose of considering the propositions of the Irish parliament, went directly in contradiction of the inferences drawn from their examinations by the lords of the committee of council. Mr. Fox said, he was glad the conversation of the day had taken place, as it had produced an explanation from the Chancellor of the Exchequer that was exceedingly material: before that day, they had not heard it avowed, that the general resolution involved and implicated the remaining nine; and that the minister would consider a vote for the general resolution, as a vote which so far bound the House, that if in the subsequent course of the business, after the general resolution had passed, application was made not to pass the other propositions, or not to pass any bill founded upon any one of them, the having voted the general resolution would be a sufficient reason for refusing to listen to any such application.

Mr. *Pitt* did not mean to say that the admission of the first resolution would preclude any farther debate on the subsequent propositions; but only this, that he considered that resolution to comprehend the entire spirit of those propositions: but still, on each of those propositions, if any doubts should arise as to the manner in which they should be attempted to be carried into effect, or if any alteration should be suggested under such doubts, it might fairly and properly be admitted, provided it did not militate against the original spirit of the proposition.

Mr. *Fox* was extremely sorry to hear what the right hon. gentleman had just said, for that put the whole matter at sea again. One great objection, in his mind, to the proposition, was, that the substance of some of the propositions contradicted the spirit of all of them. He particularly referred, for instance, to the fifth proposition.

Mr. Alderman *Newnham* stated the great difficulty he, as a representative of the metropolis, where the principal merchants of the kingdom resided, should find himself under, when called upon to vote the general resolution, before he had some assurance from authority that might be relied on, that care would be taken in proceeding by bill upon the nine specific propositions, to provide such regulations

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as should secure the mercantile interests of this kingdom from the danger that the merchants dreaded. The right hon. gentleman was much mistaken, in supposing that, because the table was not covered with petitions, it followed as a clear proposition, that there was not any serious objection entertained against his proposed plan: the fact was, very great objection was entertained against it by the merchants and manufacturers, as was evident from the language held at the various meetings in the city of London, by men of both descriptions. He spoke in particular of the West India merchants, of whose proceedings at their meeting he gave an account. At that meeting, he said, it was proposed to prepare a petition to the House against the propositions, and to have it presented immediately; but one gentleman had urged as an argument against the proposition, that the minister was vindictive. The alderman desired to be understood, as not saying that the right hon. gentleman was vindictive, but merely as reporting what was said at the meetings of the West India merchants. The same gentleman, who at that time had said that the minister was vindictive, had added, that presenting a petition would provoke him, and make him indignant, and consequently adverse to any proposition that might be made in the subsequent progress of the business, for the better security and protection of their interests. It was in consequence of this argument, and of others of a similar nature, that the mode of proceeding had been changed, and the motion lost that proposed the presenting a petition in the first instance to the House. He spoke also of the sugar-bakers, who, he said, were a large description of manufacturers concerned in a manufacture of infinite importance to the kingdom. The sugar-bakers saw and knew, that their manufacture would be cut up by the roots, if some particular regulations were not adopted, should the propositions of the Irish parliament be agreed to. Mr. Newnham entered into a short discussion of the effect which the opening of the trade, and suffering Ireland to import and export the produce of the West Indies, must have upon sugars in this country; and particularly in respect to the articles of molasses and bastard sugar. He said, an application had been made to the Treasury upon this subject, and the secretary of the Treasury had assured the gentlemen who applied, that they might rest satisfied, proper care would be taken to impose high duties on the molasses and bastard sugar imported into Great Britain through Ireland. The secretary of the Treasury, he had no doubt, meant, that what he said should be done; but was the bare promise of a secretary of the Treasury sufficient security to the manufacturers of so valuable a branch of our manufactures as sugar, that their manufacture would not be entirely ruined? Had the minister condescended to see the gentlemen who applied to him, and had given his promise that the cause of alarm should be remedied, the case would have been altered, and the sugar-bakers would have been satisfied; but they could not be so, under an assurance made only by a secretary to the Treasury; and therefore it would be impossible for him, the immediate representative of the merchants of London, to vote for the general resolution, before he had an assurance from authority, that the mercantile interests of this kingdom should be secured from injury by the intercourse with Ireland, that was projected being carried into execution.

It was then agreed to go into the committee on Tuesday.

March 16. Mr. *Stanley* informed the House, that the petition which then lay at his feet (for it was too heavy for him to carry in his hand), had been transmitted to him, with directions that he should present it to the House: it was signed by 80,000 manufacturers in different parts of Lancashire: they complained of the tax imposed last year on the fustian and other cotton manufactures, as absolutely ruinous to their trade; and of the introduction of excise officers into their houses: they stated, that without any benefit to the revenue, this tax would subject their manufactures to full 8 per cent. on the exportation, which would necessarily deprive them of the markets that they actually had, and drive their workmen to the necessity of emigrating to other countries. They added, that the admission of Irish fustians and cottons into England, was all that was wanting completely to annihilate the cotton trade of this country, by which so many thousands of industrious and useful subjects got their bread. The petition having been read by the clerk, Mr. Stanley moved, that it be referred on Monday next to a committee of the whole House.

Mr. *Pitt* said, that a petition of so very serious a nature, and conveying the senti-

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ments of so numerous a body of men, called for the most serious attention of the House. If the allegations contained in the petition, or any thing like them, could be substantiated in evidence, he was free to say, that the tax complained of ought immediately to be repealed; and if he was satisfied that there were just grounds for the complaints, he would himself be the first man to move for the repeal. He did not, however, think the tendency of the tax so ruinous as the petitioners apprehended it to be: before he took the liberty to propose it to parliament, he had consulted with some of the most eminent manufacturers in the cotton branch; and they were so far from thinking the tax destructive, that it was proposed with their full consent. It might be said, indeed, that these persons, of whom he was speaking, had not been authorized by the other manufacturers to give their assent to the tax: this he now believed to be the case; but he did not know that last year; but without knowing it, he would have thought himself justified in proposing a tax, to which a number of the most respectable and opulent manufacturers, acting as private individuals, and not as deputies, did not start any objection. Nor, indeed, did it appear from the petition, that the complaints were directed so much against the tax itself, as the mode of collecting it; and therefore a modification of the collection, should any alteration at all be thought necessary, might answer all the purposes of the petition. His objection did not go to the petition itself, but to the particular day on which the hon. member wished to have it taken into consideration. He wished the hon. gentleman would fix upon some other day rather than Monday.

Mr. *Stanley* rejoiced that the right hon. member had gone so far as to declare, that if the allegations could be substantiated, the tax ought not to be suffered to exist; for if his information was true, the allegations were, he was sorry to say it, but too well founded. The effects of the tax had been already found so ruinous, that the capital manufacturers were discharging their men as fast as the latter brought home their work. However, as the right hon. gentleman seemed to wish that a more distant day should be fixed upon, he felt himself disposed to gratify him, provided it were before the Easter recess.

Mr. *Fox* proposed Monday, and stated his reasons. He was of opinion that the House ought to declare its sentiments relative to the allegations of so immense a body of petitioners, before the Irish business was brought to a final determination; as gentlemen would be better able to pronounce upon the latter, when they should have thoroughly examined the former. The benefit of previous examination would be easily seen, on a reference to the fifth Irish proposition, which said, that when there was an internal duty on the manufacture of one country, a duty might be laid on the importation of that by the other to countervail the former. It was at this moment impossible for the House to ascertain whether the complaints of the petitioners arose from the tax itself, or from the manner of collecting it; if they arose merely from the mode of collecting, then the duty on Irish cottons imported must take place. But this difficulty could not be removed, without a thorough investigation.

Mr. *Pitt* still persevered in his opinion, that Monday would not be the properest day for taking the petition into consideration; at the same time he would consent that it should stand for that day, provided the hon. gentleman would consent to put it off afterwards to some other day, if the examinations relative to the Irish affairs should not be concluded before that day. He did not know that the House could come to any decision on the Irish propositions before the holidays: he was willing to give time for inquiry into the grouuds of the petitions that had been already presented in opposition to them, and for the presenting of others.

Mr. *Stanley* was of opinion, that the evils of which the petitioners complained were of so pressing a nature, that the House ought to inquire into the foundation of them without the least delay. As he had said before, the manufacturers, unwilling to submit any longer to the hardships arising from a burthensome tax, and from a still more burthensome mode of collecting it, had resolved to discharge their workmen as they brought home their work: this had already been done to a great degree; and so numerous was the body of men thus thrown out of employ, that they were begging through the streets in crowds, living only on the bounty of their opulent fellow-citizens, who were thus obliged to tax themselves very high in order to prevent the manufacturers from emigrating to some other country in search of employment.

Mr. *Dundas* observed, that much greater

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inconvenience would arise from fixing the order of hearing evidence in support of this petition on Monday next than on a more distant day; for the parties concerned in it had not as yet brought their witnesses up to town. On the other hand, the persons concerned in the petitions against the Irish propositions were actually in town with their witnesses, and would be put to very considerable expense and inconvenience if they should be detained from their business till after the holidays.

Mr. *Pitt* said, he believed the hon. member who presented the petition must have been mis-informed, and the evil greatly exaggerated, when he was told that the manufacturers who had applied to the House for relief were, whilst their petition was pending, actually discharging their workmen. No one would suppose, that if the relief called for was to be granted, they would give up their business; and yet the discharging of their men would operate as a dereliction of that business, which had hitherto been, and which he hoped ever would continue to be, a source of wealth to this country. It was certainly highly improbable, that men should discharge the hands by which they prospered, at least until such time as they should find that parliament would not redress the grievances of which they complained.

Mr. *Eden* said, that the petition was of a very serious nature, and called for the most solemn investigation: he begged, however it might be understood, that he, for one, would protest against the repeal of any subsisting tax, unless the most undeniable proof should be adduced that the tax would destroy the manufacture. It would, therefore, be for the petitioners to consider whether they were able to prove, either that the tax was absolutely ruinous to their manufacture, or that the manner in which it was collected was burthensome beyond their strength.

Lord *Beauchamp* said, that the introduction of excise officers into the houses of manufacturers, by the law for imposing a duty on cottons, &c. had spread a great alarm through the country: the chamber of commerce of Birmingham had caused circular letters to be sent to all the manufacturing towns in the neighbourhood, to invite them to withstand, what they conceived to be a fixed plan, to introduce the excise laws by degrees into all private houses. He would not say that any such plan was in contemplation; but the great manufacturing towns believed that there was; and the minister would do well to remove such an impression.

Mr. *Rose* was surprised that the late tax upon cottons should have spread an alarm, as if his right hon. friend meant to introduce the excise laws into the houses of all the manufacturers. His right hon. friend had found a tax already upon printed goods, &c. and he had only extended it. He was surprised, therefore, that a mere extension could be thought by any man an introduction on a principle.

Mr. *Egerton* said, that though the right hon. gentleman might think it strange that the manufacturers should dismiss their workmen, the fact was not the less true; and he could assure him, that if relief was not granted very speedily, above 40,000 men would be thrown out of employment in Lancashire.

Mr. *Burke* said, the consideration of the petition ought not to be deferred longer than Monday. Nothing was more dangerous to manufacturers and to morals, than to have large bodies of men, who were able to work, supported by public charity; alms begat idleness, idleness led to crimes, and crimes were the proofs of the destruction of morality. He was astonished to hear an hon. member express his surprise, 'that an extension could be thought by any means introductory of a principle.' Now, for his part, he was more alarmed at this mode of reasoning than the hon. gentleman might expect; for it led to this — something as yet unprecedented must be done; and when once done, it became a precedent on which many others were founded; and upon the strength of this first introduction, the precedent was extended, step by step, and repeated so frequently, that the principle was at last worn out and forgotten: so that in argument it would be no longer said, the 'principle was good,' but it would be urged, that it was the common practice, and therefore nothing was to be apprehended from it. Thus, if the exciseman was once permitted to set one foot in a house, he was sure afterwards to drag in the other, and so at last introduce his whole body. He concluded with an expression of a man, who, from the place where he (Mr. Burke) was then speaking, had declared that the cyder tax ought to be repealed, 'because it established a dangerous precedent.' This expression, he said, would have weight with many

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gentlemen, but particularly with the Chancellor of the Exchequer, when he should inform them that it had been used by the late earl of Chatham.

The Petition was ordered to be taken into consideration on Monday.

Debate in the Commons on the Offices Reform Bill.] March 8. On the motion for the third reading of the Bill, "for appointing commissioners to inquire into the fees, gratuities, perquisites, and emoluments, which are, or have been lately, received in the several public offices therein mentioned; to examine into any abuses which may exist in the same, and to report such observations as shall occur to them for the better conducting and managing the business transacted in the said offices,"

Mr. *Sheridan* rose to make good his assertions of a former day relative to there being no necessity for any such bill, as the board of Treasury already possessed full powers to do every thing which the Bill avowed for its object. He said it was not the same Bill as that of a former session, since at least four-fifths of the former Bill were not in the present. He then stated the minute of the board of Treasury in lord Shelburne's administration, and reasoned upon it as a proof that an inquiry, similar to that proposed to be instituted by the Bill, had been gone into. He quoted the minute of the board of Treasury likewise in the duke of Portland's administration, to prove that they had also ordered a similar inquiry. He next examined the qualifications of two of the three commissioners named in the new Bill, and urged the absurdity of appointing Comptrollers of Army accounts to reform the Treasury, to the control of which they were themselves subject. He said he supposed the appointment of two such persons to the commission was for the sake of fair play, and that as the Treasury had some time since reformed the Comptrollers of Army accounts, they were now in their turn to be permitted to reform the Treasury. He went into a minute examination of the Bill, clause by clause.

He charged the Chancellor of the Exchequer with having shewn himself remarkably inattentive to the drawing of public bills; and said, he expected he would soon bring in a sweeping bill, to amend and explain every one of the revenue acts of the last session. The loose, careless, and unintelligible manner, in which they were almost every one of them drawn, had excited the contempt of the whole country. Accuracy of style, and intelligent expression, were, he said, as necessary parts of an act of parliament, as the soundness of its principle and the salutary effects of its operation. He pointed out the extravagant powers given to the commissioners by the clause that enabled them to send for persons, and examine them when and where they pleased. Under such unlimited authority, they might send for the right hon. gentleman opposite to him, or for the Speaker, to Brighthelmstone, or any other watering-place, and order them to bring all their papers with them. He was aware that he was stating the case largely; but in considering a Bill of that nature, he had a right to shew to what an extent of absurdity, oppression, and injustice the letter of the Bill went. He was aware, that in answer to all he had urged, it might be said, the same powers were already given by an existing Act of parliament, the act instituting the Commissioners of the Public Accounts; but he begged leave to shew that the act appointing commissioners of accounts differed in some essential points from the present Bill. In the first place, the commission of accounts had been loudly called for from all parts of the kingdom; an extraordinary occasion made it indispensably necessary: 150 millions had been added to the national debt, and the people demanded an investigation into the expenditure of so enormous a sum of the public money. That investigation could not be gone on with so well in any other hands as in those of commissioners especially appointed for the purpose. Here, then, was a great necessity for appointing commissioners, and for entrusting them with powers of an extraordinary nature. In the present case, there was no such necessity. The object was of little consideration, and the board of Treasury fully equal to it. The Bill, in fact, had no great view worthy of the means it authorized; it was a rat-catching bill, instituted for the purpose of prying into vermin abuses. Again, the Commissioners of Accounts were men in no official situation, subject to the control of those into whose conduct they were to inquire. The new commissioners, he had already proved, were subject to the control of the Treasury. In the next place, the Commissioners of Accounts were from time to time to report their proceedings to parliament, who were by that means to watch over their con-

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duct. The new commissioners were to make no reports to parliament, but merely to the board of Treasury. A fourth matter of difference was, the commissioners of accounts were named by parliament, the new commissioners by the crown, which was to appoint a successor in case of death or resignation. He concluded with saying, that he flattered himself, he had shewn that the present Bill was unnecessary, that it was absurd, and that it gave powers of an alarming and unconstitutional nature.

The *Attorney General* said, that till near the close of his speech, he did imagine that the hon. gentleman had not known that there existed a law, which gave to commissioners all the powers which the present Bill would give the new commissioners. That those powers were uncommonly great and extensive, he was ready to admit; but he was not therefore ready to say, they ought not to have been given. They had been given before without any of those alarming consequences following, which the hon. gentleman appeared to dread. On the contrary, people had slept as quietly in their beds since the Act for appointing commissioners of accounts had passed, as before. With regard to the extravagant construction of the words of the Act, which the hon. gentleman had indulged himself in putting, there was not a single statute, that would not bear as ludicrous an interpretation; but, did any man imagine, that the commissioners would dare to act upon the clauses in so extraordinary a manner, or would harass the subject by such an enormous abuse of their power? If they did, he would be bold to say, they were liable to be punished, for having exceeded that authority, of which the plain sense of all who read the Bill, would enable them to trace the limits. With regard to the power given to the crown to appoint a successor, in case of death or resignation, where was the harm of it? Did the hon. gentleman know, that in a bill moved by Mr. Fox, and which had passed into a law, for the appointment of commissioners to receive and examine into the claims of American refugees, the same power had been lodged in the crown, and there had not been any of that alarm and danger held out then? Why? Because the hon. gentleman and his right hon. friend were in administration at the time. It was that which made all the difference. Mr. Attorney concluded with declaring his entire approbation of the Bill.

Mr. *Pitt* said, he must beg leave to answer some objections of the hon. gentleman with respect to the persons appointed to this work. He flattered himself, that the choice of them was such as could be liable to no reasonable animadversion; two of them were persons of the most unimpeached reputation, who had already distinguished themselves by their ability and integrity, in a work nearly allied to this in question, namely, the settling of the army accounts; and to them was added a third, a man of an independent fortune and unblemished character, who was not in office. As for the minute, which had been read from the proceedings at a late board of Treasury, at which the hon. gentleman had assisted, he was surprised to find, that his argument on that subject had taken the turn it did; for from the experience he had had of the grounds which the gentlemen on the other side were fond of going on, and the sort of questions which it was their most favourite task to agitate, he imagined that the whole of the hon. gentleman's observations on that minute would have been confined to the three first words of it—it began "Present, the duke of Portland, lord John Cavendish, and Mr. Montagu." Those were the three words to which he alluded, and he expected, that on the authority of those three names the hon. gentleman would have grounded a charge of presumption against him, for venturing to deviate from a precedent furnished by so respectable an authority. He confessed he was one of those who felt the most sincere respect for each of those three gentlemen; but he was not of the number of those whose superstitious veneration for any name, not even the respectable name of Cavendish itself, led them to consecrate the failings and errors to which such names were held out as a sanction. For this reason, he had been induced to abandon the line chalked out for him by that precedent, because he thought no precedent could be of sufficient authority to warrant a violation of his duty; and as the hon. gentleman had thought proper to read a very large part of the minute, in order to shew that he had deviated from it, so he would read a very small part, in order to shew, that in such a deviation he was not only not to blame, but he hoped, deserving of approbation. Here Mr. Pitt read that part of the minute which prescribes to those appointed to inquire into the abuses of the several offices, "that

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they shall confine their researches to the known and lawful perquisites of each subordinate officer, relying on the integrity of those in higher departments, that they would prevent any private clandestine practices of peculation and extortion." Thus, he observed, a new and extraordinary power was given to inquire into and correct obvious and trifling abuses, while those of a more covert, dangerous, and extensive nature were to be left to the ordinary control and superintendence of the old establishment. This he supposed was done to avoid the imputation of littleness and insignificance, which he was now charged with, and which was illustrated by the elegant allusion to rats and ratcatchers. For his own part, he could see no reason for passing over even the most trifling abuses, except laziness or pride, and those were obstacles that he hoped would never stand between him and his duty; nor could he conceive how, in the present situation of this country, any person or persons to whom the care of its interests were intrusted, could justify to themselves to omit any exertion that might tend even in the most minute particular to promote that economy on which the recovery of the state from its present depressed situation so much depended. He concluded by recapitulating the instances in which this system differed from, and those in which it agreed with the other, pointing out the benefit to be expected from the various deviations.

Mr. *Sheridan* said, he wished the right hon. gentleman, instead of answering arguments that had not been used, had confined himself to such as had. He had not said one word of the high character of the duke of Portland, lord John Cavendish, or Mr. Montagu, but had spoken of the minute itself, to shew that an inquiry had been ordered. With regard to its being an inquiry into such fees and emoluments as were legal, it was that, and that only; because the board of Treasury knew that the heads of the different offices would of themselves take care to prevent any illegal fees being taken. He reminded the House, that he had stated four essential points, in which the act appointing the commissioners of public accounts differed from the present Bill, whereas it had not been attempted to answer him but in one, and in that most feebly; as to the Act for appointing commissioners to receive the claims of American refugees, the reading of which had been so triumphantly recommended to him, it was an Act that gave no powers of an extraordinary nature, and therefore it was not of the least importance, constitutionally considered, whether the crown or parliament appointed the successor in case of death or resignation.

Mr. *Burke* desired that Magna Charta might be referred to, and that part read which states that "nullus liber homo capiatur vel imprisonetur," &c. While it was reading, there was a laugh on the Treasury-bench side of the House. Mr. Burke thereupon observed, that what he had desired to be read was, he believed, at this day regarded just in the same light as Chevy Chace, or any other old ballad—as fit only to be laughed at. It was, however, to him of serious importance, and he would shew that the present Bill was a direct and violent contradiction to Magna Charta and the common law of the land. He proceeded to point out the clauses empowering the commissioners to call for persons and papers, as clauses that went an extraordinary length indeed; so far even as to force persons to criminate themselves. He enlarged upon this as an infringement of the liberty of the subject, which that House, as the guardian of the constitution, ought never to countenance. He took notice of the Chancellor of the Exchequer's expression, that the aim of the Bill was to inquire after and correct possible abuses; a better phrase, he had never heard, nor one more truly applicable to the subject. Thus, he said, it was avowed that there was not any known existing necessity for the Bill, but that it was produced with a view to hunt after one. He appealed to the feelings of the House, whether such unconstitutional powers as the Bill would authorize the commissioners to exercise, ought to be trusted in any hands but upon the most pressing necessity. He animadverted also on that part of Mr. Pitt's speech, in which he had insinuated that former boards of Treasury had been too proud and too lazy to do their duty. He declared he deemed pride and laziness two of the worst vices human nature could fall into. Pride made us arrogant and disdainful to all who differed from us in opinion, and laziness made us neglect our own duty, and push it off to be discharged by our deputies. The one led to high honours and large emoluments; the other made us disdain to merit either the one or the other, but induced us to revive the ancient practice of the Flagellants, not indeed to lay the lash

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upon our own backs, but upon the backs of those under us. In the present Bill there was, he said, an obvious tinge of the school in which the right hon. author had been bred. Most schools had their characteristics; thus the school of Venice was known by its colouring; the school of Raffaelle by its design; but the school he alluded to, was the school of large promise and little performance; the school where smiles and professions were dealt out liberally in the outset, but the issue was always a tyrannous exercise over menials and dependants, under pretence of great economy and great attention, but where the utmost probable produce from such oppressive stretches of power, could be but inconsiderable. He called the Bill a slander upon the whole official establishments of the kingdom, and said, it presumed the general prevalence of the grossest corruption and fraud, in every one of them. The public offices of Great Britain, he believed, were the best conducted, and the most free from affording real ground of censure, of any in Europe. They made a part of the national reputation; and that House ought not to suffer them to be so foully slandered, as they were in that Bill, which was clearly, not a Bill of use, but a Bill of idle parade and ridiculous ostentation. It was a sample of doing nothing at all, when it was pretended that a great deal was done. He took notice of the vermin abuses mentioned by Mr. Sheridan, and said, it was but too true, the right hon. gentleman opposite to him loved to hunt in holes and corners, after

Rats and mice, and such small deer
As had been Tom's food for seven long year.

Though the Bill was a reptile crawling in the dirt, he said, it would be found to bite hard, where the constitution ought not to be lacerated. He lamented that the invidious task of investigating the characters and qualifications of the three commissioners had fallen upon him; but he should do his duty, though he meant not to provoke any man's resentment. He then entered into a discussion of the separate characters of sir John Dick, Mr. Molleson, and Mr. Baring, paid each of them the highest personal compliments, but gave his reasons for declaring all the three totally unqualified to execute the duties imposed on them by the Bill. Mr. Burke returned to the point from whence he set out, and said, the Bill was a direct violation of Magna Charta, the common law of the land, and the constitution.

Mr. *Rolle* wondered not at the hon. gentleman being an enemy to all inquiries. He reminded the House of the case of Powell and Bembridge, as a proof how well the heads of offices inquired into and corrected the abuses in the departments immediately under them. He hoped the inquiry into the state of the forest lands of the crown, was not intended to be dropped. It was, he said, about to have been abandoned by the last administration, as he well knew, by having seen a letter from Mr. Montagu, to an intimate friend of his, upon the subject. He expatiated on the state of the crown forest lands in Devonshire, and spoke also of the Forest of Dean, urging the necessity of prosecuting an inquiry.

Mr. *Pitt* assured the hon. gentleman, that the subject of the forest lands was uppermost in his thoughts; and as soon as the two great questions of the Irish commerce and the reform in the representation were disposed of, he should introduce it to the House.

Mr. *Fox* rose to say a word or two on some particular things that had fallen in the course of the debate; and first, he could not help remarking the extraordinary answer given by the learned gentleman to his hon. friend's objection to the Bill, on the ground of its giving such alarming and unconstitutional powers to persons appointed at the will and nomination of the crown. The learned gentleman had referred to this, by saying, "Here is one Act, which gives commissioners powers equally extraordinary, and here's another Act which enables the King to appoint successors, on death or resignation." Mr. Fox reasoned on this strange mode of joining the operation of two Acts, extremely different in their natures, merely to make out an answer to a plain objection. He replied to Mr. Pitt's remark on the conduct of the board of Treasury, at which lord John Cavendish sat, and said, had that board acted otherwise than they did, he should have thought they acted very unwisely. To inquire into an establishment with a view to see if the purposes of economy could be answered by any reform, was one thing; to detect abuses and criminate parties, was another. These objects could never be obtained at one and the same time. The pursuit after each must be separate; for, when blended, success could not be hoped for. Mr.

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Fox reprobated the Bill as useless, but said he hoped, when the time of its renewal should arrive, care would be taken to regulate it so as to remove the dangerous consequences that might result from the powers it vested in the commissioners.

The Bill was read a third time and passed.

Debate in the Commons on the Fortifications at Portsmouth and Plymouth.] March 14. Mr. Gilbert brought up the report of the Ordnance Estimates.

Mr. *Bastard* stated to the House what had passed on a former day, when it was agreed that this report should be re-committed; and concluded by moving, that the said report be re-committed.

Mr. *James Luttrell* (Surveyor-general of the Ordnance) observed, that the Ordnance Estimates were reduced as low as the necessary services for the year would admit of, and they had passed without objection to any article contained in them: but some dissatisfaction had arisen on the proposed application of 50,000*l.* granted for the purpose of securing, by fortifications, the principal dock-yards of the kingdom. The importance of that question merited the most serious consideration of parliament. The national treasure had been greatly exhausted by the late unfortunate war. Economy in all the public departments became highly expedient; but, to neglect the most essential preparations for the future safety of the kingdom, would be to adopt a ruinous and impolitic parsimony, not justified by any public disaster or fatal necessity. He was adverse to a general system of defending the kingdom by fortifications. It would be only furnishing an advantage to an invading enemy. The destruction of a country town or city could never decide the fate of the war; but the demolition of the principal docks and naval stores of the kingdom would strike at the very root of our naval power; and it must be of the highest importance to guard against such a blow. To defend our dock-yards effectually, it became necessary that a moderate force should be able to repel an enemy till the strength of the country could be collected; and this could only be accompiished by fortifications. Many advantages, and no possible mischief, could arise from such a measure. Veteran troops only could be opposed to veterans in the open field, and superior numbers of the enemy must probably succeed; but within forts, militia, seamen, almost any stout brave fellow might be as useful in the article of defence as the most experienced soldier. There is only a certain limited time that any fortification can hold out against the regular approaches of an army, if nature affords no peculiar extraordinary advantage, such as the rock of Gibraltar. There could, therefore, be no risk that an enemy, even in possession of the proposed fortifications, could be capable of holding them for any considerable length of time against the collected force of this country; but as a possession for twenty-four hours of any situation, from whence the docks, stores, and shipping might be destroyed with red-hot shot and shells, would strike a fatal blow at the navy, surely such strong works as should be capable of resisting any superiority of numbers, for a certain time, ought to be raised for the purpose of guarding these most important posts, that reinforcements might arrive to repel the enemy before any essential mischief was done.

The advantages to the navy arising from the proposed fortifications would be extremely great and important. They would remove alarms and apprehensions, such as had cramped and confined the employment of our navy at the commencement of the last war;—apprehensions then, perhaps, justifiable from the defenceless state of our dock-yards. French troops would always be stationed on the opposite coast of the Channel, if our wooden walls must answer every purpose, and ships were to be detained to remove the fears of invasion. Such a mode of carrying on war must be fatal to Great Britain; inferior in number of ships to her enemies, and still more inferior, if French troops, in any situation, were suffered to block our ships up in their ports, and thereby virtually act as an increase of the naval force we may have to contend with. He wished to give ministers no excuse in future for adopting a system of defence so ruinous and disgraceful. He observed, that it is easy to make use of pompous declamation, and to represent the navy of Britain as invincible and superior to all the world in arms; but that experience had taught us we have no advantages to spare, and therefore the navy should be eased of every unnecessary incumbrance and check upon any of its operations. We should hope for the best; but it is wise to provide against the worst that could happen. He reminded the

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House that, in the last war, we employed more line-of-battle ships and seamen than in the former glorious one, when Great Britain blocked her enemies up in their ports, and carried a victorious and triumphant flag in every quarter of the globe. But the increase of our enemies naval strength in the last war (exclusive of America) had been such as to occasion our having inferior fleets abroad (by which we lost some West India islands); inferior fleets at home, when the defence of Plymouth and the Channel was abandoned: and when our fleet relieved Gibraltar, the whole of the Dutch navy was left at liberty, for near three months, either to annoy the coast and trade, or cover a landing of French troops, if the enemy had meditated any such expedition. It is, therefore, indisputably true, that the navy had not, at all times, been able to afford its protection to the docks; and every reasonable man must agree, they ought not to be exposed to the hazard of destruction, as it would be impossible to carry on the war without the means to repair and refit our ships. He denied that any new acquisition of force was likely to afford us greater superiority in a future war. The loss of America and other foreign possessions had circumscribed the extent of our commerce, and fewer seamen must be the necessary consequence. America, he feared, would deprive us of great numbers whenever a future war should break out.—Ships were building; but they would scarcely replace those worn out, sold, or broke up.—France and Spain had an increasing commerce; a navy superior in number to ours; improved finances; a population that can supply as many men for their army and navy as they can want; and, by means of their register for seamen, they can always man their ships with greater expedition than we can. The Dutch navy is likely to be far more numerous than in the last war; and continental connexions making a combination of naval strength against us a much more probable event than any acquisition of alliance on our part. Thus circumstanced, he wished the navy to be an active force. Early reinforcements must be sent abroad. Our foreign possessions cannot be protected, unless we have in those seas equal fleets with the enemy. When we neglected this policy, we lost our islands. We cannot afford to do this, and count ships with those at Brest. Our home fleet must, at times, be very inferior in number to the enemy; but it would give them no material and important advantage. The trade might go north about, put into Ireland, and devise various ways of escaping: and should our fleet be defeated, it would be attended with no loss of territory; and the spur of alarm would increase exertions both in the building and manning of ships, so that our home force would be daily increasing. But the docks and naval stores should be perfectly secured, that our ships may find safe ports to retreat to, and the certain means to repair and refit. He then shewed the practicability of the enemy forming an expedition for the destruction of the docks, stores, and shipping at Plymouth and Portsmouth, if left in their present defenceless state, convenient landing-places being very extensive, and unprotected by any work capable of resisting the operations of 20,000 men; for the inferiority of our troops, in point of number, would oblige them to retire from field works to the present fortifications, and they might remain there unmolested, as the enemy, out of reach of our guns, might take post on the opposite shore to the docks both of Portsmouth and Plymouth, from whence they might effectually destroy with shells and red-hot shot the docks, stores, and shipping. The present works are therefore useless, unless we complete the system of circumvallation; for if one door of a house be left wide open, the locking and barring all the other doors and windows can never give security.

He then explained the facility of bringing troops across the Channel (for the object of a *coup de main*), compared with the vast preparations and time it would employ to attempt the invasion of a kingdom, or to fit out a foreign distant expedition. He shewed, that two or three months absence of the fleet (as in the instance of relieving Gibraltar), or a navy that would suffer the French fleet to anchor unmolested in our ports (as in the instance of sir Charles Hardy), would give full time sufficient for the necessary preparations and progress of an attack upon the docks. It being an object of enterprize, which must be abandoned if it did not succeed in a short space of time, the enemy would land near the object of their attack, a retreat to their shipping being easily secured. The alarms at Portsmouth and Plymouth, and throughout the kingdom last war, shewed such an attempt

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was not thought romantic or impracticable. Let us then no longer run the hazard of so fatal a blow, nor be obliged to cramp the use of the navy, whenever an enemy chooses to keep up appearances, to create alarms for our safety at home, while they are making easy conquests in distant parts of the empire.

He then observed, that the construction of the forts, the posts they are to occupy, and the number of troops necessary to defend them, had rested on the judgment of the master-general; who had taken great pains, and being confirmed in his opinions, by finding that his idea coincided with that of many of our ablest generals, and the most distinguished engineers in the service, the House might either be satisfied upon the ground of confidence in the noble duke, or adopt some fair and wise mode of farther investigation. He only hoped they would not condemn from prejudice. He then observed, on the article of expense, that great pains had been taken by the engineers to make estimates which could not be greatly exceeded; though it is impossible for any calculation to be perfectly accurate. He also stated many new regulations of the board, which effectually guard the public money from being lavished away by the persons intrusted to carry the plans into execution. He hoped never to see the navy again employed merely for the object of a defensive war. Offensive war he considered as best suited to the genius of this nation, and the only description of war that could terminate with advantage, honour, and glory to Great Britain. Every measure that led to this object he thought worthy the attention of parliament. Release the navy from unnecessary incumbrances; employ it as an active force: and, by a wise application of it, and the vigour and exertions of our officers and seamen, the British flag may again keep our enemies in awe, and give security to the most distant parts of the empire. He therefore hoped and trusted, parliament would not, from ill-grounded prejudices, or a superficial view of the subject, refuse to allow the application of the money granted for the proposed fortifications at Portsmouth and Plymouth.

Captain *M'Bride* said, that though the present was a subject which was rather out of his element, yet as it was connected with it, he felt himself called on to deliver his sentiments, which he would do very briefly. He was of opinion, that no landing could be effected at Whitsand Bay; and he would venture to say farther, that there was only one place to the westward of Plymouth were any considerable armament could be landed. Had the noble duke at the head of the ordnance deigned to consult the experience of many naval officers on the subject, they would have told him, that that place was within eight miles of his lines. He did not, he said, think it right publicly to mention where we were most vulnerable; but he was confident, that the east side of Plymouth, was the weakest, and to that no attention had been paid. He thought it strange, that in a business of such consequence to this country the advice of professional men had not been taken. The plan ought to have been made upon the spot, and after that plan had been determined on, it ought not to be under the control of any master-general of the ordnance. He was for guarding against enterprize as much as any man; but when he saw the absurdity of the plans proposed for our defence, he should be wanting in solicitude for the good of his country, if he did not strenuously oppose the lavishing of the public treasure upon objects which were by no means calculated to answer their intention.

Mr. *Courtenay* said, he felt himself called on to declare, that what he had said in a former debate, and what he should now take the liberty to say on the subject, did not proceed from any pique or personal resentment he entertained against the noble duke now at the head of the ordnance. He had received personal civilities from that noble person, and, when in office, had more than once been honoured with his approbation. The privilege, however, of a free discussion of those matters which the noble duke had submitted to the consideration of the House, he certainly would take; and though he had not implicit confidence in the present board, he was free to declare he entertained no prejudice against those persons who composed it. The conduct of the late board, he said, had been mentioned with some triumph, as not being more deserving of praise than the present. Without entering into the merits of this argument, if any merits it had, he said, it was strange that the present enlightened board should perceive the errors of the former, and yet follow its example at an infinitely greater expense to the nation. The present master-general, he

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could not deny, had some abilities, and he had persevering industry. It was rather unfortunate for this country, that his grace's passion for engineering had broke forth at so late a period of his life. When an old man fell in love, there was nothing, however ridiculous, that he would not propose, and nothing so preposterous that he would not agree to, to accomplish the gratification of his passion. The noble duke, he believed, meant well, but 'a little learning was a dangerous thing:' and in nothing was it more dangerous than in the science of engineering: in most other sciences, it only exposed the individual to a little contempt and ridicule, which was of no great consequence. The only mode of defence left for the noble duke's friends, was to say, (which, perhaps, they might with some truth,) that he had not even a little learning, and therefore did not come under this predicament. Half conceptions, rude notions, exclusive of their being expensive, in engineering, were to the last degree dangerous and destructive. In the ordnance report, Mr. Courtenay observed, that the noble duke had complied with the amendment which had been negatived, as he had seen the force and propriety of it; and shewed how little regard he had for a majority, who even voted in his favour, when he disapproved of the principle on which they voted. The secretary at war had, with that intuitive sagacity which always arises from office, suggested the danger of giving such information as the amendment pointed out, viz. because it would expose the intended situation of our military works, &c. This admirable reason had such an effect on the House, that the amendment was instantly negatived; yet the noble duke had, in defence of the right hon. gentleman's ideas, explicitly complied with it, and by doing so, neither treated him nor his majority with great respect. In every point, he was always ready to do the noble duke ample justice. It had been invidiously said, that he was a rigid and austere reformer; that he was severe and unaccommodating, and would never deviate the least from a rigid, and sometimes oppressive economy. This report, Mr. Courtenay asserted, was injurious and ill-founded; for he could assert, that the noble duke had (about two years ago, in a debate in the House of Lords) made use of these very words: 'Great and extensive is the influence of the board of ordnance; there is one borough, Queenborough, from which almost every vessel in the ordnance service is taken up, merely to maintain an influence in that borough.' On the last master-general's (lord Townshend) coming in, the proper officer was ordered to report, and give in an account of the expense of employing these Queenborough vessels; an order was actually made to discharge such as were unnecessary. However, this economical plan (for very proper reasons no doubt) was not adopted by the noble duke; and these vessels were actually all retained and unnecessarily employed at that moment. The saving that would have arisen from this, Mr. Courtenay could not exactly ascertain, but he believed it might amount to as much as all the noble duke's savings in 1785. Much pains, however, he said, had been taken by the noble duke to accomplish his favourite pursuits, with a due regard to frugality;—the important savings of three farthings on a wheelbarrow, or a sand-bag, had been submitted to the approbation of the House, with all the ostentatious pageantry of ordnance economy. The noble duke had likewise found, that the Sussex wood made excellent gun-carriages; and that Mr. Andrews, at Chichester, could furnish it cheaper than any body else. He had heard the noble duke declare, that the influence of the master-general of the ordnance was great and extensive, and he had, no doubt, found it so. With regard to what he had said on a former occasion, and which he had been challenged to prove, that the plans projected by the present board would cost the nation a million and a half, or two millions of money, before they could be carried into execution; he was still of that opinion; and in this he had the concurrence of several officers of experience and estimation in the service. The noble duke had now said, that he had reduced his plans to a smaller scale; it was, however, an expensive reduction, for it was, in fact, pulling down works, on which large sums had already been expended, to erect others in their stead. This was reducing with a witness. However, this inquiry, he said, would not have been useless; one benefit which it had already produced was, that it had contracted the original plan, and of course diminished the expense; for the noble duke certainly meant to have executed a much more extensive plan, to which, Mr. Courtenay said, he had alluded on a former day; for instance, a work near

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the road, which crossed the Morass, a little below Grange fort; another inserted in the plan, between those prepared for Frater Lake, and the ground near Rowner Church; the large work near on Brewer Down, and some others extending towards Titchfield Haven; another on the Maker Line (Plymouth) on the point of land on which stands the King's Brew-house; as the enemy, in spite of the works on Pier Point and Mount Edgecumbe, may bombard both the harbour and dock-yard. But the noble duke's report confirmed the former extensiveness of his plan in the strongest manner: "The eastward side of Plymouth would require at least five considerable forts to keep an enemy out of reach of bombardment, by means of fortification." This expression Mr. Courtenay pointedly ridiculed, insisting it meant that the fortifications protected the enemy from being bombarded; and this, he believed, would be the only use of such constructed fortifications.

In constructing works of this nature, and considering their importance, if properly carried into execution, he was surprised that the noble duke had not called to his aid every professional assistance. The advice, not only of the engineers, but also the opinion of naval officers of experience, ought to have been consulted on every step that was taken. With regard to the extent of the lines, some general officer of acknowledged abilities should have suggested his ideas on the subject. All this, however, had been neglected. He would beg leave to ask the noble duke, if lord Hood, lord Howe, earl Cornwallis, sir William Draper, or any other officer of experience, had been consulted? If they should tell them they had examined those works, and that they would answer all the purposes pretended; and engineers on a correct and accurate calculation should say, they could be executed for the sum proposed, that would make some alteration. But it was still asserted, that those impregnable fortifications must depend for their resistance, upon the zeal, activity and efforts of the inhabitants; in which no man had a greater confidence than he had. But of all the inhabitants of the island, in which he had the greatest confidence, were those who conducted the navy of the country; it was to those strenuous and undaunted efforts we owed, and always should owe, the prosperity, the greatness, and the protection of our country. In our reliance on the navy, we relied upon men of tried and known abilities, and upon men of all parties. He knew a noble lord in his eye, (lord Mulgrave) of whose courage and conduct he had such an admiration, that he professed a most sincere wish he was always employed in his profession, and he seldom heard him speak without sincerely wishing him at sea. Mr. Courtenay added, that his situation and property were not sufficient to expose him to any very heavy increase, from the great additional burthen of a million, which was to be voted that night. The noble duke had submitted a memoir to the House in the account which had been given of the expenditure, and it was worded in such a particular manner, that it appeared to him to be something like the protests of the other House. The bugbear of invasion, and burning our dock-yards, he said, had been always held out to us as a pretence for the necessity of the extent of the present plan, and in order to induce the House to part with their money easily; but if the prodigious expense of those extensive lines of fortification was considered, it would be much better to run the risk of a bombardment every year than submit to it. There were many ways in which a bombardment might be prevented from being ruinous to a dock-yard. The timber might be floated in the reservoir, and the pitch and tar might be sunk without injury. The hemp, indeed, was the only combustible to which that remedy could not be applied. It, however, might be easily secured, by being placed in a bomb-proof situation, which in a dock-yard was easily formed by logs of wood and pitch. What would be thought, he said, of the intellects of a merchant, who, instead of warehousing his goods, storing them securely in his cellar, and locking the door, should hire 4 or 500 men to protect them on the wharf? He must say, that the conduct of the present master-general was something similar. To protect the dock-yards, he would plunge the nation into an expense altogether enormous, for the purpose of doing that which would be more effectually done by a third part of that expense. Every body knew that military works cost much more than the estimate. Were the present plans to be carried into execution, the expense did not cease then: we must provide for perpetual repairs, so that this, with the interest of the money expended, would cost the nation at least 80,000*l.* annually, which was a sum not contemptible even to

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form a sinking fund for the payment of the national debt. He was glad to see the independent country gentlemen interest themselves on this occasion. He hoped they would all join in reprobating a measure so pregnant with mischief as this was to their country. When they came forward, what administration would dare to oppose them?

Mr. Courtenay then called on the minister to act up to his repeated declarations and professions; adding, that it was not that inferior, subordinate species of economy, which might furnish materials for a speech, that would be of essential benefit. We were not in a situation to take words for things. The credit, the honour, the reputation of the minister, depended upon that night's decision. Did the master-general mean to terrify them into voting a million of money through the chimerical dread of a ridiculous bombardment, or the destruction of their dock-yards? He acted like a fortune-teller, who foretold a calamity, and then thought he had a right to our money for his prediction. And indeed, he must say, the board of ordnance concluded their report by a most irreconcilable piece of burlesque, making an apology for giving so much information; for as they depended on the ministers getting the estimate voted, they thought it would be more difficult to prevail on the House to do so, after giving such information, than without it; and therefore very handsomely made an apology for their imprudence. For his part, he was of opinion, and he did by no means rely on his own judgment, that if the old works projected by general Conway were put in repair, they would answer every essential purpose for the protection of the dock-yard. Besides, were the extensive lines of fortification that were now projected by the noble duke to be finished, he would pledge himself to the House to prove their inefficacy, and that they were by no means calculated for the purposes they were intended for. He thought the House, before they granted such large sums, ought to be satisfied of the propriety of their application. He concluded with giving his hearty assent to the motion of re-commitment.

Colonel *Barré* rose to speak for the first time since he had been deprived of sight. The colonel began with complimenting the country gentlemen on the high honour they had done themselves, by taking up this subject as they had done. He said, the subject was one of the most serious and important that had ever been agitated within those walls. It required, therefore, great consideration. In order to lead the House to a due prospect of it, he said he would state from memory, for he had now, God knew, no other assistance, what had been the sums voted for the ordnance at different periods of our history. He cited the year after the treaty of Aix-la-Chapelle; the year 1763, after the treaty of Paris; and the years 1783 and 1784; comparing the amounts of the grants for the ordnance estimates at each period. He shewed, that it had arisen from 70,000*l.* to 110,000*l.* and 115,000*l.* and that during the late war, the House in one year voted 1,600,000*l.* for that service. In 1784, 600,000*l.* was the sum granted, and this year parliament was called upon for so much more. He reprobated the doctrine that Mr. Luttrell had held, that we could not, in case of a new war, send more than 100 sail to sea. He stated the numbers of seamen borne and mustered at different periods of our late wars, and said, if they were so imprudent as to waste the sinews of war in time of peace, probably they might not be able to send a respectable navy to sea in case of a rupture. He trusted, however, that the minister, whom he knew to be an honest man, would prevent any such pernicious abuse from prevailing, and would not let slip the moment of peace, the fittest of all moments, to look to the situation of the country. He denied that it was fair to put the case, as if Great Britain was again to have France and Spain and Holland at once at war with her, and at the same time to be wasting her fleets and armies on a ruinous war, carried on at 3,000 miles distance. He considered what had lately happened as a concussion of nature, provoked, in a great measure, by our own folly, but not very likely to happen again. Let us look at the more probable event, viz. that of France and Spain joining against us; for Holland, he did not believe, would take the sea as our enemy of a sudden. Let us then view our navy and that of the House of Bourbon. Put the case, that France and Spain had 120 sail, Great Britain only 100. A combined fleet had a radical defect in it, especially a combined fleet of two powers naturally odious to each other. The circumstance of its fighting under two captains, instead of one, was always a capital inconvenience. These circumstances considered, was there a man

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who would hesitate on which side he would make his election? France, it was true, was a fortified country. Why? Because her kingdom lay within the reach of the active maritime foe. France, therefore, did wisely to fortify; but in our more compact insular situation, we should be madmen to follow the example. It had been well said by a modern author, "Praise was the daughter of present power." He wondered not, therefore, at the encomiums he had heard that day. The corps of engineers was an unprotected, neglected, oppressed corps: they were under the necessity of according with the opinions of their principal; for if they gave their honest and sincere opinions, perhaps they would lose their bread. He entered into a discussion of the pay of the officers. A full colonel, he said, had no more than 18*s.* a day, and 9*s.* addition, when on actual duty; whereas all other colonels had more. A colonel in the engineers also was obliged to have a sort of establishment of his own about him, that was attended with more expense than the colonels in the regulars, who could live with each other in mess. He spoke likewise of the artillery, and said, for the noble duke at the head of the ordnance to point his economy at the corps of engineers and artillery was an ill-advised measure. Those corps were the only part of the army founded in science, scientifically brought up, and professionally learned. They ought therefore to be encouraged as much as possible, to be distributed through the army, to make science spread, and not to be harassed by new and distressing arrangements. With regard to the plan of fortifications proposed, it was a question on which the right hon. gentleman at the head of the Treasury was as competent to form a judgment as any man; it was a question of state, and, as a statesman, it was his duty to decide upon it. Let the right hon. gentleman therefore do what was proper. Let him look back to our history, and see what queen Elizabeth did for the safety of her kingdom, when an invasion was threatened; though she had a Raleigh in her service, and other great, able, and distinguished officers, she trusted not to the advice of any one of them, but profited by the collected wisdom of her naval and military servants, and convened a meeting of the most experienced and renowned, and bade them prepare a plan adapted to the danger of the crisis. Let the right hon. gentleman follow the precedent with regard to the proposed fortifications. Let him not trust the determination of its propriety in any single hands. Let him refer it to some of the ablest officers we had, both naval and military, and let their reports, after due discussion and investigation, be considered as an authority safe for that House to rely on. Of all times this was the most fit for the investigation of such a question, while our officers were green in the recollection of active service, and before they had lived in that seat of luxury and ease, long enough to forget all they knew. It was a question of great national importance, and not to be trusted solely even to the corps of engineers. The colonel enumerated the masters-general of the ordnance from the time of lord Ligonier's presiding at the board till the resignation of lord Townshend. They were, he said, men of great bravery, knowledge, and experience, and no one of them stood higher in character than lord Townshend. No man had sought for service, and courted it in every quarter of the globe, more ardently; nor had any man, he firmly believed, come out of office with cleaner hands, or a more unimpeachable integrity. Could the noble duke, the present master-general, state himself to have commanded armies, and led them on to victory? If he could not have stated himself to have stood remarkably distinguished by his service and his experience, with all his respect for his great talents and known honour, he must excuse him, if he contended that a plan of so important a nature ought to be decided by the collected wisdom of men of experienced abilities, and tried and long service. He paid the ministers many compliments. He said, the right hon. gentleman was fortifying where he ought to fortify, and he deserved the thanks of his country for the fortifications he was employed in. He was fortifying the empire, by his endeavour to knit and draw together the remaining parts of it. He was fortifying it, by rooting out the abuses of office, and more especially by scouring the channel of our worst foe, the smuggler, who defrauded the revenue, injured the fair trader, and carried the current coin of the kingdom out of it. These were true fortifications, wisely projected, and built on a firm basis. An hon. gentleman, he observed, had asked him if he knew colonel Debbeig? He knew him well, knew his worth, knew him to be honest, and he was sorry to add, knew him to be oppressed.

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General *Burgoyne* spoke against the enormous plan of fortifications proposed, and reprobated them in their principle as well as detail.

Mr. *Pitt* desired the House to recollect, that the mode proposed by the motion, was not that which would lead to the object in view. The referring the present report to the committee would give no opportunity for the discussion of the subject, which was in the contemplation of those gentlemen who had spoken to it, because such reference to the committee could only bring on a question, with regard to the estimates for the present year, contained in that report, which were by no means objected to. He said, that there had been 50,000*l.* granted last year, for the purpose of the fortifications, which had not yet been touched, and he should be extremely willing that that sum should lay by until parliament should have full time to come to an opinion with regard to the expending of it in the manner it was first intended. He should be sorry to see a question of this nature take the turn which had been attempted to be given to it, some gentlemen having endeavoured to shew in what places and by what means our ports and dock-yards were most vulnerable; and he hoped it would serve as a caution to gentlemen how they pressed a subject of this confidential nature too far, as they might see from that night's debate, that a species of information might be delivered, which, at the same time that it could give the House no useful light, might yet in another place effectually open the eyes of those who ought to be kept in ignorance. He observed, that the doubt suggested was such as involved the two most important interests of this country; the one related to our ability in point of finance, and certainly, considering the depressed state of our revenue, it ought well to be considered how far any expense which we might incur was consistent with our situation and ability to afford; and the second regarded our marine, a part of our policy, if possible, as essential as that of our Treasury. He apprehended there would be two necessary considerations on the subject; one, whether the proposed system of fortification was absolutely necessary or not; the other, whether it could be done in a cheaper manner than that which it had been estimated at. He by all means approved of the idea which had been thrown out, that a more solemn and more general opinion should be taken on the subject of fortifications than that of the board of ordnance, and said, he should be very willing to consent that a restraint should be put on the expenditure of the money already granted for that purpose, until parliament should be satisfied from the report of persons in the first ranks of the several military departments, how far the object in view was worthy of the expense; for he observed, that if the fortifications were found to be necessary towards the preservation and safety of our navy, it would be impolitic to hesitate at almost any expense that could possibly be afforded towards the promotion of the security of that great and only national bulwark. And here he observed, that, for the preservation of the British character, he should be heartily sorry ever to see an idea become prevalent in this country in favour of defence by fortification. He said, that he had felt pain at the reflections thrown out in the course of the debate against the noble duke at the head of the ordnance. It had been asked, had he ever commanded in chief? Had he ever led an army to victory? In short, had he any practical experience? Yes, he was bold to say, the noble duke had practical experience; for though he had never commanded an army, nor led one on to victory, yet he had served under and lived in habits of intimacy and confidence with many of the first military characters of the present age; and besides, had not only spent a considerable time in the army, in actual service, but had also travelled through countries, whose situation had peculiarly attached them to this mode of defence, where the noble duke had made the principles and practice of it his particular study; and nothing appeared to him more certain than this, that if a late war, in which we were engaged, had not been of such a nature as precluded the noble duke from taking any command in it, consistent with the political principles he professed, that he would before now have commanded armies, and more than probably have led them to great and glorious victories. He animadverted on what had fallen from colonel Barré with severity, and concluded with declaring, that he placed the utmost confidence in the duke's abilities as well as integrity, and was sensible that the public would never suffer under his administration of the ordnance.

Mr. *Bastard* said, that nothing could be more fair than the proposal to examine general officers on the business; and said,

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that if Mr. Pitt would agree that such inquiry might take place, he would withdraw his motion.

Mr. Pitt agreed, and the motion was withdrawn.

State of Convicts sentenced to Transportation.] March 16. Mr. *Burke* called the attention of the House to the melancholy situation under which those unfortunate people laboured who were sentenced to transportation. In a country which prided itself on the mild and indulgent principles of its laws, it should not be suffered that the situation of particular delinquents, instead of being meliorated by provisions dictated by clemency, should become infinitely more severe than could be inflicted in the utmost rigour and severity of the laws. The number of convicts under this description was at present estimated at not less than 100,000. Every principle of justice and humanity required, that punishment should not be inflicted beyond those prescribed and defined to particular kinds of delinquency. But that principle received additional force, when it was considered that these extraordinary severities were exercised under the appearance of mercy; that is to say, they were remitted certain punishments by the mild spirit and principles of the English laws; and received, in commutation, others, infinitely more severe than the most rigid construction of the laws had, in the worst of cases, designed for them. There was, in the mode of punishing by transportation, no distinction made between trivial crimes, and those of greater enormity, all indiscriminately suffered the same miserable fate, however unequal their transgressions, or different their circumstances. Besides these considerations, some regard should, in these times of difficulty and distress, be paid to frugality and economy. The business of transporting convicts, among other inconveniencies, was attended with a very considerable expense. Instances of profuse expenditure were sometimes justifiable, when they had humanity and clemency for their object; but could never derive any sanction from cruelty and inhumanity. He wished to know what was to be done with these unhappy wretches; and to what part of the world it was intended, by the minister, they should be sent. He hoped it was not to Gambia, which though represented as a wholesome place, was the capital seat of plague, pestilence, and famine. The gates of Hell were there open night and day to receive the victims of the law; but not those victims which either the letter, or the spirit of the law, had doomed to a punishment, attended with certain death. This demanded the attention of the legislature. They should in their punishments remember, that the consequences of transportation were not meant to be deprivation of life: and yet in Gambia it might truly be said, that there "all life dies, and all death lives." He should wish, as a preliminary to something being done on the subject, that the state of the prisons, so far as respected persons under sentence of transportation, were laid before the House; and this he thought would come best by several motions, which, if agreeable to the House, he should propose. Before he did this, he wished to know whether any contract had yet been entered into for sending these convicts to the coast of Africa. [He was answered, No.]

The *Speaker* remarked, that this motion came at somewhat too short a notice;—whereupon Mr. Burke withdrew it for the present.

Debate in the Commons on the Bill for the further Regulation of the Trials of Controverted Elections.] April 7. Mr. *W. W. Grenville* rose, in conformity to the notice which he had formerly given, to move for leave to bring in a Bill to explain and amend the Act for trying controverted elections. His intention, he said, was not what he had in contemplation when he last year signified his design to propose some alterations in the Act alluded to; the Bill had been thought by many persons to require some alteration, but he did not intend to go into a comprehensive and extensive discussion of such alterations as were of a general and important nature then, because he should not propose any Bill of the kind that session, but would reserve it to the next, holding it to be much more likely to be discussed with that degree of temper, moderation, and coolness, that the subject required, when considered in the abstract, than when election cases were existing untried, to which it might be in some degree or other applied, and thence impressions arise by no means favourable to a fair agitation of the Bill. What he had then in his intention was merely to propose some alterations in the mechanical part of the proceeding to ballot for a committee, about the necessity of amending

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which, there was little danger of any great difference of opinion. It might, perhaps, be unnecessary for him to declare, that in what he had to propose he had no view whatever to cast any imputation on the form in which the Bill had been originally brought in, or upon the Bill itself. The House would, he trusted, acquit him of any such design. As little was the House to be suspected of readiness on their part, to listen to any imputations on the Bill. The partiality they had on so many occasions shewn to the Bill, was the best proof of its merit. Indeed, when it was considered, that to turn business of great magnitude into a new channel was a matter, at all times, particularly difficult, and more especially so when the business in question was that, about which gentlemen were most peculiarly jealous, namely, the mode of trial of their rights to their seats in that House, it was to be wondered that the first Bill that had been brought in for that purpose was, upon experiment, found to be liable to so very few objections.

Having thus removed every ground of suspicion that he either meant, by implication, to cast imputation on the Bill, or that the Bill merited such imputation, Mr. Grenville said, he would shortly state to the House the leading points, that were of a general nature, and which might possibly be fit to be made the subject of a Bill the next session, when the matter might be more fully discussed and deliberated upon than it could be at present. The first point he would call their attention to was, a circumstance that must have struck every gentleman as extremely vexatious, expensive, and inconvenient. It was the objection against the Bill that had appeared to his mind to be one of the most founded of any that had been ever mentioned, and that was, that since the existence of the Bill there had been a greater number of frivolous petitions presented than were ever before known, by which means the sitting members were frequently harassed, kept in suspense, and put to much cost and charge unnecessarily. It must, therefore, be the wish of every gentleman that some means were resorted to, in order to put a stop to the continuance of the evil, and perhaps this might be done effectually, by obliging the parties petitioning to enter into recognizances to abide by their petition, and to try the merits, and, in case of failure, to pay the costs. To secure the latter effectually was a matter of considerable difficulty, because it might be extremely inconvenient, when the probable expense, as in the cases of county elections, was likely to amount to a large sum, for the parties to lodge that sum during the whole time the case was pending; but perhaps it might be remedied by allowing the costs to be recovered by action afterwards in the courts below. Another point that called for remedy was, the want of a power to punish the returning officer for abuse of his office. As the matter stood at present, it lay with the House to proceed to punishment, the committee not being able to do any thing more than report to the House. The consequence was, that, for the most part, the returning officer, who abused his authority, escaped with impunity. There having been but very few instances of the committee reporting, and those only where the returning officer's conduct had been extremely gross and flagrant, it was his intention to provide powers to punish that officer, and to vest them in the committee. A third point was of great importance, and that was, to provide some mode or other of determining the rights of election. At present the only criterion was, when a committee reported what the rights were, the precedent was entered on the Journals, and that was binding. But as committees, for particular and obvious reasons, very rarely reported, the public might be said to have lost, under the Bill, what they formerly enjoyed under the old proceedings in the trial of controverted elections, viz. a certainty of decision upon the rights of elections. How to give them this again was, Mr. Grenville admitted, a matter of peculiar difficulty, and a matter to which he had not yet made up his mind; but it certainly was a matter greatly to be desired. Whether, by referring the rights of election to the same committee, who were chosen to try the right to the seat, or whether it would be best to appoint a separate and special committee for the purpose, were objects of future deliberation.

These several points which he had stated were, he declared, the principal considerations that weighed with him as fit to be attended to in the next session, when the subject should be brought fully under discussion, and when the House should be prepared to go into a general investigation of it. He threw them out, therefore, that gentlemen might turn them in their minds, perfectly conscious of his

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own inability to suggest any bill that would not require the assistance of the House, and of gentlemen of more experience than himself. What he had to propose in the Bill, for leave to bring in which he should that day move, were, as he had before said, alterations merely in the mechanical part of the proceeding to choose a ballot, and by no means affecting the principle of the Bill itself. They all knew the difficulties that had of late occurred in consequence of the ballot being obliged to be chosen under all its present forms; his intention, therefore, was, to propose some few alterations, but they should be as close to the meaning of the present Bill, and as little deviating from the form of it, as possible. The first he should propose would be, to provide a clause to admit committees, who had finished their business, and who were ready to make their report, to make that report previous to the House proceeding to lock the door and make a ballot. This, he observed, was but a trifling infringement on the Bill as it stood, and would be attended with this good consequence; it would, where the sitting members were declared duly elected, add two members qualified to serve to the number of the House, as well as put it in the power of fifteen more to serve on the committee to be the object of the ballot of the day, if they chose it. To shew the advantage of this alteration still farther, Mr. Grenville reminded the House, that there had been two committees who had finished their business, and were ready to have made their reports in the course of the last fortnight's adjournment, but were incapable of making them on account of the Act, ordering, that no public business whatever should be proceeded upon till a ballot had been made. The next alteration he should propose, was, in like manner, calculated to facilitate the making of a ballot. He meant not to alter the proviso that renders it necessary that 100 members should be present before they proceeded to ballot, because he not only thought, that in a matter of so much importance, so many ought to be present, but because he believed the difficulty had but very seldom arisen from that circumstance. The cause of adjournment had chiefly happened from the number to be drawn being 49; it might therefore be worthy of consideration, whether reducing it in certain cases to 39 would not give facility to the ballots; in which case either the first or last drawn might be struck off at the table. Another matter to which he had turned his attention, was, the inconvenience arising from that clause which ordered committees to adjourn in case more than two of the members of such committees were necessarily absent by death or illness. The House had that day heard of the absence of one member of the Bedfordshire committee through illness; and where county elections were to be tried, and the committee were likely to sit long, the inconvenience was extremely great. He recollected that the Gloucestershire committee, after having sat six or seven weeks, had like to have been lost through this very circumstance. He meant, therefore, to propose, that in certain cases, such as those of committees on county elections, and where committees had sat six weeks or two months, a committee should still sit, although reduced to eleven, or even nine members. Lower he should not think of going, because undoubtedly it would not be wise to facilitate members excusing themselves from attending. A farther alteration, proposed by Mr. Grenville, was, when there were a certain number of committees sitting, three or more for instance, that in such case, if a ballot should fail, public business should nevertheless be gone on with; this alteration he founded on the extreme difficulty that generally occurred in getting a sufficient number of qualified members to make up the number 49, while three or more committees were actually sitting. Another point had been a good deal talked of as matter of complaint, and that was, the mode of choosing nominees, who, it had been said, had been influenced, though by an honourable bias, and in consequence of it, had rather acted as advocates than judges; upon that account it had been urged, that it would be better if they were not chosen as at present, viz. one nominated by the petitioner, and the other by the sitting member, but that they should be chosen by the committee. When the Bill was originally introduced, the mode of appointing nominees had been a good deal discussed, and the argument for them had been this:—It might happen that a committee might be chosen, consisting entirely of young and inexperienced members; it was necessary, therefore, to take care that there should be two persons at least added to the number chosen, in whom the parties could confide for their knowledge of parliamentary law, and their experience as men of business. Now, if the

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nomination was taken out of the hands of the parties, and put into those of the committee, the latter might select persons as inexperienced as themselves. Another mode, indeed, had been talked of, and that was, to let the House name them; but if this mode were adopted, the House would naturally point their nomination uniformly to those members who were known to be the fittest to instruct younger committee-men, and thus the tribunal would no longer be what it was designed to be, a fluctuating tribunal, and a particular description of members would bear more than an equal share of the onus of serving upon committees. Upon the whole, therefore, it might perhaps be better to let the appointment of nominees remain as it did, if gentlemen in general would but understand that the House held that a nominee was to act merely as any other member of the committee was empowered to act.

Another circumstance seemed to call for alteration; but it was of so personal a nature, that it was scarcely proper for him, or indeed any member but one, who was at this time actually serving on a committee, to propose it. What he alluded to was, the enacting that election committees should continue sitting notwithstanding prorogations of parliament. When the Bill passed, no provision of this nature had been made; whence it was generally understood, that as a prorogation put an end to all other committees, it did the same to election committees. Mr. Grenville shewed, that by this operation of an order to prorogue, a committee that might perhaps have sat six weeks or two months, and might be within a week or two of coming to a conclusion, was liable to be put an end to, and the parties would have to go through the same trouble and expense the next session; a matter that certainly called for some provision, and yet, he repeated it, it was hardly fair for any person not actually serving on a committee, to propose such a provision. These were the principal points which he meant to provide for by the Bill he was about to move for leave to bring in. He concluded with moving, "That leave be given to bring in a Bill for the further regulation of the trials of controverted elections, or returns of members to serve in parliament."

Mr. *Montagu* rose to second the motion, and to express his particular satisfaction that the subject should have been brought forward by a gentleman, the image of the author of the Bill, and who, he was happy to find, was actuated by the same zeal for the purity of election, the same regard for the honour and dignity of that House, and the same love and reverence for equal and impartial justice. He perfectly agreed in opinion with the right hon. gentleman, that it was much wiser to defer the consideration of the more general and important points to the next session than to bring them under discussion in the present. But what the right hon. gentleman had suggested as the subject of a future Bill, was certainly extremely interesting. If means could be found of putting a stop to frivolous and vexatious petitions, it would be a great advantage. If a power also for the punishing of returning officers could be vested in the committees, it would undoubtedly be attended with beneficial consequences; but it was most desirable of all, to have the rights of election determined. With regard to the matters stated by the right hon. gentleman as the grounds of the Bill that was immediately to come under consideration, he agreed with him in the propriety of most of them. The only point about which he entertained much doubt was, that of suffering business to proceed in case a ballot should fail when there were three committees sitting. That, however, was a matter more proper to discuss when they should come into the committee on the Bill, and therefore he would reserve what he had to say upon the subject till that occasion should arrive.

Lord *Mahon* said, it always gave him extreme pain to differ in opinion from his right hon. friend; but, as a sincere friend to Mr. Grenville's Bill, he must declare, that one of the propositions, viz. that of suffering the public business to proceed in case a ballot should fail when three committees were sitting, was cutting up the principle of Mr. Grenville's Bill root and branch. That it went to that extent, and would be productive of all the ill consequences that Bill was meant to prevent, he would shew to the House in the clearest manner, by considering it in two or three points of view. In the first place, nothing could be more plain than that the compulsion of the Bill, by putting a stop to all public business till ballots were made, was one of the most essential principles of Mr. Grenville's Bill: it was that principle upon which the author of the Bill rested as the best security for its operation and effect. To suffer the public business to

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proceed, on any pretence, when a ballot could not be made, was to weaken that principle, and would lead to infinite mischief. It was an essential, and indeed a first principle in the institution of every tribunal, to take care that a cause brought before it should have a certainty of being tried. There would be no certainty of trial of any election cause before a committee of that House, if the proposition in question were admitted and made a law; because, if the proposition were adopted, election causes would run through a whole parliament, and at the end of it many of them still remain untried. As the Bill stood at present, several would remain to be tried in the third session; but if the alteration he alluded to were made, they would not be all heard by the fourth, fifth, or last session. To prove this, he would state a case: Supposing three committees were sitting, and there remained many more controverted elections to be tried; at the head of the list a very long one, and after it many short ones: possibly the three sitting committees might continue to sit for six weeks or two months longer. Supposing the case to happen at that moment, the 7th of April, why, then, all the other controverted elections would not be tried at all in the present session. Nor was that all the mischief. Supposing at the head of the list of elections to be tried, that one, thus deferred, was a petition from York, from Lancaster, Devon, or any distant county: the parties expecting their ballot to take place every day, had all their witnesses in town at the expense of 100*l.* a day. Under such circumstances, they were obliged to keep them in town till one or other of the three committees that were sitting had come to a conclusion, which might be two months ere it happened. His lordship expressed a wish that, instead of adopting the proposition he had reprobated, the number of members to constitute a committee were reduced to eleven. In that case, five committees might be sitting at the same time, and only 55 members, a tenth part of the House, be engaged in the discharge of that public duty; that would, in his opinion, be a great improvement; but the alteration before referred to by him, for the reasons he had stated, he certainly should oppose when that part of the intended Bill came into the committee.

Mr. *Popham* said, the subject was exceedingly important, and that the inconveniences the House and the public had recently suffered, sufficiently pointed out the necessity for some farther regulations. He thought, however, the difficulty of procuring 49 to make up the ballot might be obviated without reducing them to 39. For instance, as it frequently happened that a ballot could not be completed for want of two or three, supposing the names of those members who had served, and were entitled to excuse themselves, were put into a separate glass, and, upon a deficiency of the number of persons who had not served, so many of their names who had served, were drawn out of that separate glass as would make up the number 49. By this means the burthen would be light, even if they did serve, or they might be the first struck out by the parties and their counsel. Mr. Popham declared himself a zealous friend to the Bill, of which he was at that time giving a proof; and indeed he ever had looked upon public duty as a consideration superior to that of private convenience. The 10th of the King, he observed, had only one exception in it, viz. the swearing in of a member; but he thought it ought to have another, the exception of a call, because if a call were to precede a ballot, it would be a good means of securing an attendance. With regard to the committees continuing to sit notwithstanding a prorogation, the right hon. gentleman had said, no member but one who was actually serving upon a committee ought to give an opinion upon that point. He came within that description, and he made no scruple to say, he thought an election committee, like every other legal tribunal, ought to continue sitting till they had made an end of their cause; there was, besides, something upon the face of it extremely absurd, that a committee should sit six weeks, be then put an end to by a prorogation, and the parties have all their expense and trouble to begin *de novo* next session. To a reduction of the numbers he could by no means agree. He was of opinion, that in proportion as such powers were extended, the purpose aimed at by the institution would be secured. And if once the principle was admitted, that the committee might consist of fewer than at present, it was impossible to say where such an idea might stop. Nor was he willing to subscribe to what he had heard on the subject of nominees. He was inclined to think that it would not be easy to substitute any thing better in the room of that regulation. He hoped gentlemen

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chosen in that manner, and acting by oath, might have the same credit and confidence as the other members of the committee. But he chiefly begged the attention of the House to the principle of the Bill: it was to expedite the business of the public. How, then, could this be done more effectually than by the original process on which the law in question had been made? The first object was to secure the members of the House. This was so contrived, and, in his mind, with admirable wisdom, that the fairness and justice of gentlemen elected should appear, before any thing concerning the interests of the public were committed to their decision. He saw, on the whole, much good and some few exceptionable things in the system held forth. He would not specify them now; but he could not help attending to that which went to the recovering costs of suit, which he had often thought indispensably necessary, as enormous expenses were often incurred by individuals for very frivolous excuses. An end put to such abuses as these was earnestly desired by every gentleman who had seen, as he had done, in very many instances, the infinite mischief to which it led.

The *Lord Advocate* of Scotland (Mr. J. Campbell) thought the House and the public at large under great obligations to the right hon. gentleman who, with so much propriety, had brought forward this business. He would, however, submit it to the consideration of gentlemen, how far it would be expedient to interfere with the original prescription in the Bill, concerning the number of which those committees were composed. In many, very many cases, indeed, the subjects of investigation were exceedingly intricate and involved. This, during the time in which he had sat on one of these committees, so literally happened, that notwithstanding the habits of the profession in which he had been bred and lived, but for the counsel that were present, he should often not have known what he was about. The laws in the two countries, however similar in their radical principles and practical aims, were undoubtedly extremely different. However, so far as he could judge, there hardly could be any supposed case in which a competent knowledge of the laws of the land, and especially those of election, was so absolutely necessary as in those committees; and as it might always be presumed that a great many men of the profession would have a seat in the House, the larger the number was, any difficulty of this kind was the more likely to meet with a ready solution. He wished to suggest an idea on this subject, on which, however, he was not earnest. In cases of difficulty about a legal point, might not the committee beneficially have the power to refer to the judges for their opinion? His lordship coincided with those who wished that clause which authorized nominees to undergo a thorough examination. There was not, in his mind, another in the Bill which was liable to so much abuse, or which rendered the duty of individuals more delicate. For his own part, it was of all others a situation he should like the least, as it was calculated to embarrass, and excite sentiments which, on such an occasion, ought by all means whatever to be suppressed. The very institution, as it struck him, supposed a jealousy in those with whom the choice of the nominees lay, of the gentlemen who had engaged by oath to decide impartially on the evidence which should be submitted to their attention. It was a breach of the original system, which tended, in his opinion, to inspire the parties, who were at issue, with a prejudice against the jury, who were to give verdict on the cause; and he trusted some mode would be devised in the Bill proposed for the redress of such a grievance.

Mr. *Walter Stanhope* regretted, that among all the regulations which he had heard proposed, there was none which in any degree affected the attendance of lawyers on these committees; for he had the misfortune to differ essentially from the Lord Advocate on that particular. He had long thought, and it was, he believed, a pretty general opinion, that the cases of elections were not made more clear, but more intricate and tedious, the more lawyers there were in the committee, whether as counsellors or as members; a variety of votes, which every plain, honest man could decide without hesitation or difficulty, by the sophistry of the bar were often wrought up into such a cloud of learned obscurity, that lawyers only could understand. On this account especially, and also on account of the expense occasioned by counsel, he was sorry that some proposition to that effect had not been stated; perhaps one counsellor might, in some committees, be, on some particular knotty points, necessary; but he was seriously of opinion, that in all committees, and on all occasions, one alone was ne-

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cessary; and he hoped, in the new regulations a clause to this import would have a place. For his own part, he had always been of opinion, that no other Act of the legislature had brought so much employment to gentlemen of the long robe as this had done. He could assure the House, and he thought it was a fact which merited their attention, that the Grenville Act had already put above a hundred thousand pounds in the lawyers pockets; and he was still at a loss to learn what the general interest of election was the better for taking so much money from the members of parliament, and giving it to the gentlemen of the long robe; nor did he believe the House was one jot the more independent for having that hundred thousand pounds taken out of their pockets. He approved of the noble lord's idea of reducing committees in number of members to eleven, inasmuch as there would then be fewer to ask questions; for, he observed, it was generally a rule for the whole fifteen to go regularly through with a witness, each of them examining him one after another, so that, by that means, one witness was not done with in a day.

Sir *George Yonge* owned himself to have been always an admirer of the Grenville Act, and thought it would not be difficult to point out an infinite variety of advantages which it had already produced. The right hon. gentleman who brought forward the present question, had offered his regulations to the consideration of the House with a candour and diffidence which did him honour; and he was sure every thing but disrespect would be considered as the motive on which he would presume to hint a difference on any of the great points which he had stated with so much propriety. But he could not help thinking that the principle of the Bill ought to have been preserved inviolate. He knew not but the same, or similar inconveniences might result from the regulations which were to put an end to those which had already been experienced from the operation of this salutary Bill. He was exceedingly desirous that some other mode might be adopted for removing the difficulty thus generally acknowledged, than any interference with a principle which he conceived not only highly constitutional, but a peculiar guard of the constitution.

Mr. *M. A. Taylor* rose chiefly to oppose the doctrine which had been held out concerning lawyers. He begged gentlemen would consider how various and complicated the cases often were which occurred on these occasions, and how much it depended on the legality of a sound decision. He was satisfied, for his part, that no counsellor whatever was adequate to the business, and that no man who understood its magnitude would singly undertake it. He, for one, knew well how very inadequate he was, and he believed many of the profession were in the same situation, and of the same opinion. There were many of the material objects to which the motion went, on which he would hazard no opinion whatever. Some had his sincere approbation; others might admit of hesitation and discussion. This much, however, he would say, that whatever affected the general principle of the Bill, ought not to be either rashly or prematurely adopted. That public business should supersede a ballot for a committee, he trusted would never be the case; it was a doctrine at least to which he was determined never to subscribe; he deemed it dangerous to the interests of election in a very eminent degree; and wished the House might eagerly watch against any such innovation. So far as his opinion went, it should always be for retaining this great stimulus entire, and to prevent any subsequent regulation from interfering with it in any measure whatever.

Mr. *Dempster* entered into this discussion, he said, with very great seriousness, as he conceived it to be a subject of the greatest moment. He had been witness to the state of elections before the present measure, and the case of a petitioner then was deplorable. He was obliged to knuckle in a manner unworthy of a gentleman, whether his case was right or wrong, in order that he might get the House into good humour, or that he might obtain such a majority as to secure him a favourable decision. Therefore it was, that the Bill had been originally brought forward; and though it had many difficulties to combat in its progress, it soon proved satisfactory in its operations to every one: and he owned himself not a little sorry indeed, to hear the smallest intention of intermeddling with what, in his mind, constituted the great operative principle of the Bill. He could name some of the most respectable assemblies, in which all business stood suspended, till the powers of the court, and the authority of every individual member, was inquired into. This he presumed to be a leading

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principle in the constitution of every court; and he should be sorry to see those courts which were so intimately connected with the interests of election, divested of it. It was, in his opinion, the urgency of public business which gave the law most of its energy; and why should not the representation of the people be as complete as the nature of the case would admit, before the public business could proceed, or at least before any thing could be admitted which should tend to defeat the intention of the Act in question? He asked where the fault lay? It did not lie in the Bill, which, in his opinion, provided for the dispatch of public business. He was sorry to observe, that the impediment was in the laziness and want of attention in members to their duty; a defect which he was afraid would not be the sooner remedied by the obvious desire which prevailed to accommodate the requisitions of their situation to their dispositions, rather than to accommodate their dispositions to their duty.

Mr. *Powys* rose merely to recall the attention of the House to the question before them. Gentlemen, he said, by attaching their remarks to the points which the hon. gentleman had stated in a summary manner, seemed to have lost sight of the point now to be determined; which was, whether leave was to be given to bring in the Bill. The merits of the Bill, its principle, and provisions, would all come to be discussed in its progress through the House. There was not a doubt but very strong objections would lie against many parts of the system: that especially, which it seemed to be principally aimed at, ought in his mind to be well weighed. He meant, the object of facilitating public business, which he hoped might be done otherwise than at the expense of a law which had done so much good. He was, on that account, rather sorry that a noble lord should have discovered so much harshness in the opposition which he gave: many valuable regulations had been suggested, and he was not without hopes, that by the wisdom of the House, the plan might be rendered every way worthy of adoption.

Mr. *Grenville* owned himself much obliged to the gentlemen who had observed on the points submitted by him to the consideration of the House; and he hoped, if the House gave him leave to bring in the Bill, that he might be allowed to avail himself of every thing that had been offered to him from all sides of the House. He would only observe, for the present, that it was by no means his intention to impede, by any regulation whatever, the operation of the Bill, but, if possible, at once to preserve that operation and the progress of public business equally inviolate.

Mr. *Strachey* said, that he saw no objection to any of the amendments intended by the right hon. gentleman, except that which related to the final decision of the rights of election; that he sat in the House when his great friend, Mr. George Grenville, brought in the Bill now under consideration; that he perfectly recollected the arguments he had urged upon the particular subject of the determination of the rights of election; that he had said, the power of determining those rights ought not to be delegated to a committee, but should be reserved in the breast of the House alone; that the idea suggested by the right hon. gentleman now, was not a regulation, made necessary by any inconvenience (as the case of the House itself being called upon to decide, had never occurred since the establishment of those committees), but an absolute deviation from one of the main principles of the original Bill and its mover; that, however, as the point in question did not relate to the objects of the Bill now proposed to be brought in, but referred merely to the Bill intended for next session, he did not mean to make it a topic of debate at present, but to suggest his objection, in order that the right hon. gentleman might take it into consideration before he should bring in his Bill of general amendment.

Leave was given to bring in a Bill, which was accordingly done on the 11th.

April 14. The House being in a committee on the Bill,

Mr. *Cornwall* (the Speaker) rose, and said he had been in parliament at the time when the Bill, commonly called Mr. Grenville's Bill, was originally introduced. He thought it an honour, as he was consulted by the author of the Bill, and had lived to see its salutary effects in a variety of instances. When he recollected the infinite and flagrant mischiefs which it had prevented, and with what uniformity it always had kept the main end of the institution in view, he looked up to it with a veneration, which made him speak of it with the greatest tenderness. If he had rightly collected the meaning of the right hon.

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gentleman who had introduced the present Bill, his intention was merely to correct certain mechanical parts of the operation of the original Bill, but by no means to go into a consideration of its principle, or to propose any thing for the present, that might affect it in any way whatever, avowedly reserving the consideration of the subject at large for another session. Perhaps it might have been as well to have reserved every part of the Bill till that period; but, however, the present Bill having been brought in, there were two or three points in the operation of the original Bill, exclusive of those that the clauses of the Bill upon the table went to, that appeared to him to be material, and to be such as ought to be corrected. First, as the Bill stood, the House had no power to compel a party to abide by his petition. By the Act, the party were directed to come with their counsel on the day of the ballot to receive the list of the 49 members chosen, and to retire to strike off till the number be reduced to thirteen, but the Act had no clause in it obliging the petitioners so to attend. Another point was in case of the death of either party, the petitioner, or the sitting member, some means were wanting to secure that the election should be tried. A third matter was dictated by what had recently happened, viz. the want of some power of adjourning, in case the House could not make a ballot at such periods as were well known to be periods when no parliamentary business was usually transacted. He said, he had no delicacy in plainly declaring that he alluded to a subject of great inconvenience to himself personally, and which could answer no useful purpose whatever. Instead of the House being obliged to continue to meet out of mere form, on such occasions, he should think it might always have power to adjourn on the day immediately preceding Christmas-eve, Good Friday, and Whit-Sunday, for a week or ten days. There was another point that had been hinted at by the right hon. gentleman when he opened the subject of his present Bill; and that was, the providing some remedy for the possibility of a committee being put an end to by prorogation, after having perhaps sat a very considerable time, in consequence of which, the parties would have to begin *de novo*, the next session, after having been put to a considerable deal of expense and trouble. As there was a possibility, that some of the election committees might, this year, be in this danger, he was of opinion that something ought to be done to provide against it. There were, he said, two ways of meeting it; either to let the committees continue sitting notwithstanding a prorogation, in which case it would be necessary to grant them the proper powers by the present Bill, with which they were not now furnished, or to provide by some clause or clauses, that the same committee, who were dissolved by a prorogation, should be revived in the next session, and all their proceedings preserved, so that they might resume the trial of such election, as they might have been chosen to try, just where they left off. Both these methods, he was aware, were liable to objection; but of the two, he thought the last was preferable. What he had stated, he said, was the whole of what had suggested itself to him as necessary to be done in addition to what the right hon. gentleman had himself proposed.

Mr. *Grenville* declared himself extremely obliged to the right hon. gentleman for what he had said. The right hon. gentleman had made a previous communication to him of most of the points to which he had spoken, and he had in consequence prepared clauses adapted to the correction of two of them, which he meant to bring up in the committee. With regard to the proposition respecting a prorogation of parliament, he could not say it by any means appeared to him fit to be adopted. It was undoubtedly liable to very considerable objection.

The committee then proceeded to fill up the blanks, and much conversation ensued about each of them.

Lord *Mahon* objected to the clause, by which it was intended to alter the number of names from 49 to 39. He contended that 35 was a better number.

Mr. Grenville was for 37. At length the committee divided on the words 'thirty-five.' Ayes, 38: Noes, 41. The question for filling it up with the words 'thirty-seven' was then carried; after which, Mr. Sheridan advised the postponing the clause altogether, till the principle of the Bill was brought into consideration next session; as altering the number of members drawn to form a list, appeared to be a very material alteration of the Bill, and such as should be extremely well considered before it was adopted. To this proposition Mr. Grenville acceded; and Mr. Jolliffe, Mr. Montagu, and others, testified

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their approbation of omitting the clause entirely. The committee afterwards filled up the blanks of the other clauses, and several new clauses were introduced and made parts of the Bill.

April 20. Mr. *Grenville* said, that so many alterations had been made in his Bill for the better regulation of the trial of elections, that he thought it better to drop it entirely for the present, and bring it in more fully in the ensuing session. He therefore moved, "That it be taken into further consideration upon this day three months." Which was agreed to.

Debate in the Commons on the Manchester Petition against the Irish Propositions.] April 7. The order of the day having been read, for the House to resolve itself into a committee of the whole House, to consider further of the King's Speech relative to the adjustment of the commercial intercourse between Great Britain and Ireland, Mr. Gilbert took the chair, and Mr. Erskine being called in, and having informed the committee, that he appeared in behalf of the petitioners from Manchester,

Mr. *Pitt* desired that the petition from Lancaster, on which counsel had already been heard, and witnesses examined, might be read. His reason for this he said was, that the counsel at the bar might be able to answer a question, which in order to save the committee a vast deal of useless trouble, he wished to put to him, namely, how far the objects of the petition to which he was going to speak, and the scope of the evidence which he intended to produce, were of a different tendency from that which the House was already in possession of from the arguments and evidence on the former petition.

The petition being read,

Lord *North* said, that the question was useless, inasmuch as the committee were not at liberty to use a discretion relative to the hearing of the counsel for the petitioners, their petition having been referred to them for the express purpose of their hearing counsel and evidence to it; and whether the objects of the two petitions were of an analogous tendency or not, they must strictly abide by the order of the House.

Mr. *Pitt* said, that besides his unwillingness to preclude any body of men from any means by which they might think themselves entitled to offer their sentiments to the House, or to deprive the House of information or instruction through any channel in which it could be expected, he also felt a diffidence on the point in question, from his inexperience in parliamentary forms, and therefore requested, that gentlemen on either side of the House would give their opinion to the point of order. There certainly was no member whose judgment he would more willingly be governed by on such questions in general, than the noble lord who spoke last; but still, in this instance, he must venture to differ from him. The noble lord did not take upon him to say, that there was any material difference in the objects of the two petitions; but merely, that whether there was or was not, such difference was immaterial to the committee, for at all events they were bound to hear the counsel. This appeared to him so diametrically opposite to common sense, and so derogatory to the consistency and dignity of parliament, that he could not imagine the idea of the noble lord on the subject to be well founded. He wished to know whether it was intended that the House should understand, that when once a petition praying to be heard by counsel was referred to a committee, with liberty to hear counsel on it, the committee were thereby bound to hear counsel, whether it appeared to them necessary or not. If this principle were admitted, it would frequently involve the committee in a very disagreeable predicament, by subjecting it to a repetition of similar arguments on similar topics, and thereby create a very dangerous and fatal delay in proceedings on subjects where any opposition was made. Persons desirous of impeding any public measure would, upon this principle, have nothing more to do than to come separately to the House with separate petitions, all of the same tendency, and by that means, day after day, the committee must sit to hear arguments and evidence solely calculated for purposes of procrastination. It was not his wish to adhere very strictly to his own sentiments on the subject, provided it could be got over without a manifest outrage on the rules of the House and the decorum of its proceedings. There were two things necessary to be considered: first, the principle, whether the committee were so effectually tied up by the order of the House, as that they could not, on any the strongest grounds, avoid hearing the counsel; if this were answered in the negative, then certainly

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they ought to put the question to counsel, not, whether the interests that he came to support were of a different nature from those which had been the grounds of the former petitions, but in what they differed; and if there appeared to the committee, to be such an identity between both, as to afford no prospect of new matter coming forward, to refuse hearing him. If, on the contrary, the principle were admitted, that the committee were strictly bound by the order, and precluded from the exercise of a discretion, whether they should hear the counsel or not, then they had another method of avoiding the useless and humiliating delay of hearing reiterated arguments, if they found that such were likely to be imposed on them, which was by postponing the hearing until the meeting of the House; when, on representing the case, the order might be rescinded on motion. On this subject he should be glad to hear the opinion of the noble lord. The second consideration, after determining the principle, related to the fact, whether the interests were or were not different; and this could only be known from the counsel, he being supposed to be best acquainted with the concerns of his clients. For his own part, he confessed that he did not see any great grounds of diversity in the cases of the two classes of the petitioners; the present principally consisting of the fustian manufacturers, and the former of those of calicoes and cottons; which branches he conceived to be so nearly allied to each other, as to require great casuistry to point out so strong a dissimilarity of interests as to warrant a separate hearing. He had taken up this idea not so much with a view to the case immediately before the committee, as to put gentlemen on their guard against bringing themselves into the same predicament, in the progress of a business, which from its own nature would necessarily be attended with a gread deal of prolixity.

Lord *North* said, that though he certainly had not asserted that the interests of the two classes of petitioners were separate, yet he was still farther from saying, that they were not so, for he believed the contrary. Nor had he argued, that all petitioners were entitled to be heard by their counsel, for no other reason but merely because they required it; so far from it, he was clearly of opinion, not only that the House had a full power to reject that part of the prayer of every petition, which related to the hearing of counsel, if it thought proper, but that the House ought to do so on every occasion where it had reason to believe, that the hearing would only lead to a repetition of former arguments on the same subject.

Mr. *Jenkinson* thought the committee ought to consider what precedents were to be found on the subject, and instanced the practice of that respectable committee constituted by Mr. Grenville's Bill. There were frequently two or more petitions to be determined by that committee, but the parties were not allowed to bring separate counsel to the same facts or cases. Where an evident diversity of interests was pointed out, then they were permitted to separate their case from that of the other petitioners; and this principle he thought ought certainly to be adopted by all other committees whatsoever, as the only means of preventing that useless repetition of argument, which was so naturally to be apprehended in the present instance.

Mr. *Eden* said, that there were no grounds for supposing the interests of the petitioners so similar as to render the arguments on the latter in any degree a repetition of those on the former, for the cotton and calico manufacturers were chiefly employed in providing for the home consumption, whereas those concerned in the fustian trade dealt principally in exportation. He coincided in what seemed to be the general opinion of the former speakers, that it was by no means incumbent on the House to hear more than one bar of counsel to the same argument; but that not being the case at present, certainly the petition before them was entitled to support from counsel, agreeably to its prayer and to the order of the House.

Mr. *Fox* contended, that the committee were bound down by the order of the House to hear the counsel, for that the time was past when the objection ought to have been taken. He agreed, that if the objects and grounds of each petition were of a similar nature, that it would by no means be proper to insist on its being referred to a committee, with an order to hear counsel on it. He said, that even were the committee at liberty to decline hearing counsel on the subject, in consequence of his admitting a parity of interests with other petitioners, yet still they had no means of calling for such confession, provided it was desired to be withheld; for his learned friend at the bar might very probably answer, if called

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upon by the question proposed, "that he was unacquainted with any former petitions, or with the objects and scope of them, or the evidence and arguments by which they had been supported; nor could he consequently pretend to answer whether that on which he appeared before them was of a similar or different tendency."

Mr. *Pitt* answered the arguments of Mr. Eden relative to the difference between the export and the home trade, by observing, that the Irish propositions could only affect the home consumption, having no respect whatever to exportation, and that therefore any difference arising on that head was not of a nature to entitle the present petitioners to a separate hearing, on the principle of a diversity of interest; that in order to entitle them to such separate hearing, it would be necessary to point out such a substantial and decided diversity of interests with regard to the home consumption, the only branch of the trade which was at all affected, as should offer a new field of discussion and argument. To Mr. Fox's argument relative to the difference arising in the printing branch of the calico business, he observed that this could by no means affect the question in debate, because the calico manufacturers had acknowledged, that as to that department of their trade, they were under no apprehensions about it, relying on the superior taste and experience of this country, to secure it a constant pre-eminence in that branch. He declared, that he would at all times be extremely delicate with regard to the introduction of any new precedent into the forms and proceedings of the House, and particularly one of a nature that could by any means interrupt or impede the access of their constituents to parliament, either with petition, remonstrance, or advice, when they thought their own interest or that of the public likely to suffer for want of due information; that he should feel an irresistible temptation to sacrifice not only the forms, but even the positive orders of the House, rather than suffer them to be an obstacle to any complaints which the apprehensions of persons without doors might give rise to, in finding their way to the bar; and so far was he from wishing to encourage any obstacle of that kind, that although the House seemed almost unanimously to coincide with him in opinion, that joint interests were not entitled to separate discussions of counsel; and although, for his own part, he would by no means be satisfied with the evasion which the right hon. gentleman opposite to him had suggested to the learned counsel; yet he was satisfied that he should be called in, and directed to proceed in his argument.

Mr. Erskine was then called in, and spoke to the case of his clients.

Cricklade Election.] April 11. The House proceeded to take into consideration the Report from the Select Committee, appointed to try and determine the merits of the Petition of John Walker Heneage and Robert Nicholas, esquires; and also, the Petition of those whose names are thereunto subscribed, voters for burgesses to serve in parliament for the borough of Cricklade, severally complaining of an undue election and return for the said borough.

Mr. *Bastard* trusted the House would proceed on the Report of the committee. The Report of the committee was before them, and it was for them to bring the matter to an issue, as their wisdom should direct. The resolution of the committee was then read, as follows: "Resolved, That the conduct of the returning officer, in taking the poll, and making the return, at the last election of members to serve in parliament for the borough of Cricklade, in the county of Wilts, was partial and illegal, whereby a colourable majority was obtained on the poll for Mr. Adamson and Mr. Coxe."

The *Speaker* begged leave to intimate his doubts concerning the regularity of the proceeding, in admitting the Report, as it criminated an individual in this abrupt manner; perhaps, it would be as well for the hon. member to put it off for a few days. The case appeared to him a new one, and therefore gentlemen would be better prepared, after a short delay, for entering on a mature determination in a matter which many of them might think as new as he did.

Mr. *Grenville* thought the Report a strong and specific one, and that it was sufficient to afford ground of procedure to the House. He quoted several cases, which were read to the House; and having stated his opinion of the matter, he concluded with moving, "That this House do agree with the resolution of the said committee."

The *Speaker* still hesitated, and stated anew his sentiments on the subject; avowing at the same time, that he did not wish

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to mislead the House, but that he was entirely to be guided by what he could gather to be their judgment.

Mr. *Orde* begged the House would give the matter a serious consideration, as it appeared to him of more consequence than they were aware of. He referred to the cases of Hindon and Shaftesbury, which he stated as not in any degree holding up a precedent, which could at all give the House any additional light in the business before it. For this and other reasons, which he thought would occur to every member, he was of opinion that the desire of the chair ought to be complied with.

Mr. *Jenkinson* observed, that the ancient conduct of the House, was to pay every possible deference to the committee of their own appointing. They were a part of themselves, only occupied on a separate duty, and therefore, it did not become those who had not a share of the burthen, to do any thing which might diminish the credibility of those who bore it. This pressed it upon his mind, as the indispensable duty of the House, to proceed without delay, on the Report of the committee. They had already examined and tried the evidence. They had even pronounced on that evidence, and fixed crimination on the person before them.

Mr. *Burke* declared the reasoning of the right hon. gentleman the most extraordinary he had ever heard. It admitted the crimination of an individual on the testimony of those who were indeed commissioned or empowered to collect what evidence they thought necessary for their own judgment, but not for that of the House. This, he averred, was no part of their function. But, however the right hon. gentleman might wish the House to decide or give judgment, when the facts on which that judgment was to be founded were not before them, the case, in his opinion, required quite a different procedure. They could not condemn a man unheard. Who could say what he might have to allege in his own vindication? He argued only for such a mode of judging, as, in his opinion, was essential to the ends of substantial justice; but, he would appeal to every man, whether any person, whatever allegations might be against him, ought to be criminated before the evidence of that crimination came before them, or carried that conviction to their minds which they ought to feel previous to pronouncing sentence? This he would say was eternal reason, and the House might criminate themselves by departing from it; for it was one of those truths which were self-evident, and which could not be affected by the resolution of any body of men whatever.

Mr. *Pitt* said, he thought the case a very simple one. It required no more of gentlemen, than that which they did every day. It called upon them to pronounce on the evidence which lay before the House in the minutes of the committee. Here was a complaint stated from a committee acting under the sanction of the House, against a returning officer for manifest partiality; that committee had not the power of punishing such delinquencies, therefore they applied to the House to do that which they could not do; and how was that to be done, but by sustaining the charge, without precluding the delinquent from bringing forward his defence?

Lord *North* was far from wishing in any degree to invalidate the evidence, or set aside the judgment of the committee; but it struck him as a material justice, that the facts on which the House were called upon to authorize the judgment of the committee, should be submitted to the cognizance of the House. It deserved also, in his opinion, some attention, that the cases alleged were not applicable; as here was a specific charge against an individual, who in that charge stood single and unconnected. Besides, the committee was in fact another court, and whatever deference he might have for the judgment of that court, he was still at a loss to know how far it was binding on them. He wished the power of ultimately deciding was vested in the committee, who were better capacitated for such a decision, as they were bound by an oath, which the members of the House were not. But in the present circumstances of the House, he did think it was a mode of procedure as novel as premature, to proceed in a criminal capacity against any individual, merely on the report of a committee, however respectable.

Mr. *Pitt* thought the noble lord must have misconceived his argument, as what he had said only went to sustain the report of the committee, as a ground of proceeding for the House, and still left the returning officer at full liberty to vindicate himself as he thought most proper.

Mr. *Marsham* stated the case of Shoreham in detail, and inferred from the facts

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which he laid before the House, that the case under consideration was altogether dissimilar; and that to go about it with any degree of propriety, more time was indispensable.

The *Speaker* stated also some farther particulars relating to Shoreham, and endeavoured to recall the attention of gentlemen to the point of order.

Mr. *Burke* said, that the present question required the cool and dispassionate attention of every lover of justice; but the more he thought on it, the more he was convinced that the House was bound to examine the evidence which went to substantiate the circumstance on which the charge in the report was founded. Every gentleman, and especially every lawyer, knew how much depended on the mode of examining witnesses, and that the law of this country placed the witness immediately in the view of the jury, because, by looking a witness often in the face, they were able to bottom all his designs, and by varying the point in question, to touch that specific fibre on which the truth depended. This was more essential than a thousand such volumes of written evidence as lay on their table. He wished it might also be recollected, that the charge here was not general, but personal. Here was a person criminated for a breach of the most solemn trust. Was it not proper to see that the facts brought against him were sufficient to authenticate this charge? He wished the House to consider it in a very serious manner, as it nearly concerned the justice, as well as the honour, of their proceedings.

Mr. *Jenkinson* said, that he had been five and twenty years in parliament, and never till now observed the House hesitate in admitting the evidence of its own committee. Whether this was 'eternal reason,' or not, as the hon. gentleman had figured in his speech, he would not say, but he was sure it was common sense. Before the Grenville Act took place, this was constantly what the House had done whenever any such question came before them. He therefore saw no reason to reject this committee more than those to which he had alluded.

Lord *North* maintained that the House and the special committee which formerly tried elections, were only one court: whereas they were now two courts; and that evidence taken in one, could not, in his opinion, be legally sustained in another. He stated minutely the difference between the cases of Shoreham, Hindon, Shaftesbury, and Cricklade.

Mr. *Fox* said, no man had more deference for the decision of a committee of gentlemen on their oath, than he had; but the reasoning which had been adopted by the gentlemen on that side of the House where he stood, did not go to invalidate the testimony of the committee. If he was questioned concerning what credit he gave to that testimony, he was as ready as any man to give it the most ample credit. But in this case the House was going to decide on the judgment, and not on the testimony of the committee. This was his difficulty; for he could see the greatest possible difference between giving the fullest possible admission to the committee in reporting facts, and in the judicial capacity of the House giving sentence on the judgment they may have formed on these facts.

Mr. *Pulteney* contended, that this actually was what happened in the common routine of business before the House every day; and he was, therefore, at a loss why any difference should now be converted into a plea for taking up the time which ought, he thought, to be better employed.

Mr. *Fox* denied the position laid down by the hon. gentleman, and pointed out the difference between evidence in the usual transactions of the House, and that which constituted a material part of the criminal law of the land.

Mr. *Eden* contended, that unless the proceedings of the House were to begin where the committee began, in examining the evidence, he thought there was nothing now to do but to pronounce sentence.

The *Master of the Rolls* would not give his vote to condemn any man unheard; but contended, that the returning officer had been heard, and heard to better purpose than he could have been heard by the House, as he was heard by a committee of the House on their oaths. So that in admitting the charge against him, it was no more than what happened in all proceedings of a criminal nature, in every court, where these sort of trials took place.

Mr. *P. Johnstone*, as one of the committee, thought himself called upon to say that the returning officer had not been fully heard in the committee; but that though his counsel was present during most of the evidence brought against him, there were parts of it to which he had not an opportunity of attending.

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Mr. *Dundas* stated the whole of what he had heard on both sides of the House as in no way invalidating this general conclusion, that in consequence of the proceedings of the committee the House was warranted to admit the returning officer's guilt so far as to found a charge against him, but by no means to preclude him from standing in his own defence.

Mr. *Martin* called for the evidence relating to the returning officer, and wished that it might be read, as many members would be glad to hear it as well as himself.

Sir *W. Dolben* joined in this request, as he was utterly at a loss by any other means to understand the question.

Mr. *Wilberforce* was against the production of the evidence, as it would interfere with that implicit credit, which the committee were entitled to from the House.

Mr. *Eden* thought, it would be proper to make a motion for the reading of the evidence, that the sense of the House might be taken, whether the whole or any part should then be read.

The *Speaker* called upon Mr. Bastard, whether he withdrew his original motion, or not?—Mr. Bastard acquiesced in the opinion of the House, and it was accordingly withdrawn.

Mr. *Marsham* seconded the motion of Mr. Eden, for the reading the evidence.

Mr. *Fox* was at some loss how this could be done partially, as it did not seem to him that any body had yet read this evidence.

Mr. *Grenville* stated, that it was impossible to read what they had not yet obtained.

Mr. *Pitt* pointed out the impropriety of reading evidence, while no person either for or against the individual was present. It would, therefore, he thought be read with more propriety and effect when the returning officer, or his counsel, were at the bar of the House.

Lord *Beauchamp* deprecated the premature proceeding of the House, in a point in which there appeared so little unanimity; and moved, that the further consideration of the matter might be deferred till Thursday se'nnight.

The question being put, it was agreed to without a division.

Sinking Fund—State of the Revenue.] Mr. Chancellor *Pitt* said he could not avoid interrupting the order of the day to call the attention of the House to a subject of the highest importance; for the present he should only move, "That an account of the net produce of the taxes for the quarters ending on the 5th of January 1783 and 1784, and also of those ending on the 5th of April 1784 and 1785, be laid before the House." His intention in this motion, he said, was, that gentlemen might receive such information as would be necessary towards their forming an adequate idea on a subject, which was nearest to his heart, and which he hoped would make an equal impression on every other gentleman. He flattered himself, the public would see, from those papers, that the opinions industriously inculcated by some speculatists on the subject of our finances, were the offspring of gloomy despondency, or perhaps worse motives. That so far from affording any sentiments of apprehension or despair, the state of the national revenues and resources furnished a very flattering prospect, not only of answering every demand for the peace establishment, but of creating an effective and substantial overplus for the purpose of a sinking fund: this overplus, he had hopes, might, in the present state of the revenue, be made to amount to at least one million; by means of which it might reasonably be expected that the national debt would be gradually paid off, in such proportions as the public would soon and sensibly feel the benefit of. He said, that his motive for singling out those quarters was, that the House might thereby see that the prosperity of the nation had been in a progressive state ever since the new measures for the more effectual collection of the revenue had been adopted; for, first it would appear, that not only the quarter ending January 5 of this year, was more productive than the corresponding quarter of the last year, but that the last quarter ending the 5th of this month, was infinitely more so than the preceding quarter; in the former instance by a sum of 350,000*l.*, in the latter by a sum of between 6 and 700,000*l.* He stated that the interest of the public debt (when the whole of it shall have been funded and provided for), together with the probable expense of the peace establishment, would amount to about 14,400,000*l.*

The net produce of the taxes for the quarter ending 5th of January 1785, was - - - - -	2,738,000
Ditto for the quarter ending 5th April - - - - - - - - - -	3,066,000
	£. 5,804,000

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The produce of the two corresponding quarters in the preceding year was to the 5th of January 1784 - - - - - -	2,585,000
To 5th April 1784 - - - - - -	2,198,000
£.	4,783,000

The produce therefore of the taxes in the last six months was above a million more than their produce in the corresponding six months of the preceding year; and the produce of the single quarter, ending the 5th of April last, was nearly 870,000*l.* more than that of the corresponding quarter 1784. In this sum, said he, are included about 190,000*l.* the produce of the taxes laid on the last year; the remaining sum of 680,000*l.* is the increased produce of the taxes which subsisted previous to the last session. It is likewise to be observed, that the produce of the customs in the last quarter was considerably more than double their produce in the corresponding quarter of the last year. This great increase of the revenue must in a great measure be owing to the many regulations which had been established within some months past, and principally to those Bills which he introduced last year, for the prevention of smuggling. The effect of these regulations, exclusive of the assistance which the revenue might receive from others of a similar nature, encouraged us to entertain a well-grounded hope, not only that the income of the country might become equal to the payment of the interest of our national debt, and the expenses of the peace establishment, but that it might afford a considerable surplus for the discharge of the national debt. For let it be supposed that the two next quarters produced each the same sum which the last quarters did, the income of the year, ending Michaelmas 1785, would then stand thus:

Quarter ending Jan. 5, 1785 - -	2,738,000
Ditto - - April 5 - - - -	3,066,000
The two remaining quarters - -	6,132,000
£.	11,936,000
To this sum must be added the produce of the land-tax, and annual malt-tax - - - - - -	2,450,000
£.	14,386,000

This produce of all the taxes was sufficient for the interest of the public debt, both funded and unfunded, and for the expenses of the peace establishment. But if we looked beyond the present year, and estimated our annual income by the last quarter it would stand thus:

Annual produce of taxes - - -	12,264,000
Add produce of land and malt-tax	2,450,000
£.	14,714,000

which leaves a surplus of 300,000*l.* a year towards the discharge of the national debt. But if we suppose, said he, that the produce of the two remaining quarters of the present year bears the same proportion to the produce of those already passed, which the corresponding quarters of the last year did to each other, the amount of the taxes of this year will be 12,600,000*l.* To this, as before, must be added for the land-tax and annual malt-tax 2,450,000*l.* and our whole income will be 15,050,000*l.* which leaves 650,000*l.* surplus for the sinking fund. If the two remaining quarters bear the same proportion to the last quarters, which these quarters did to each other in the preceding year, the produce of all the taxes will be 16,240,000*l.* which leaves a surplus of 1,840,000*l.* for a sinking fund. The produce of all the taxes, exclusive of the land and malt-tax, for the year ending Michaelmas 1784, was 10,400,000*l.*; the increase of the revenue this year upon the most unfavourable calculation will be a million and a half; there is great reason to believe that it will be considerably more. From the above statements it appears, that there is the strongest reason to hope, that next year a real sinking fund for the actual discharge of the national debt will be established, and that this salutary measure may be adopted with the addition only of those few taxes, which may be necessary for the small loan of the present year, and for the funding the remaining part of the unfunded debt. In the above account, the produce of the new house duty is not included, as none of it has yet been received: this duty cannot amount to less than 500,000*l.* a year, which must more than counterbalance any accidental diminution which there may be in any of the taxes in a subsequent quarter.—He here took an opportunity of observing, that the new taxes which had been laid on in the last session afforded such a promise of being productive as he was sure would make the House feel perfectly satisfied in the choice that had been made of them; and he requested gentlemen to proceed with a degree of vigour, which the prospect of success might always give rise to, in their efforts towards establishing the finances of the country on such a footing as, by pro-

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viding some well-regulated plan of diminishing the public debt, would restore her to a degree of credit which could alone procure her the rank to which she was entitled among the nations of the world.

Mr. *Sheridan* took notice of the very great fallibility of general and loose calculations in matters of finance, and seemed to think the right hon. gentleman had relied too much on grounds, that would, when examined minutely, be found to fail him. To multiply by four, Mr. Sheridan said, was certainly no very difficult mode of calculation; but he could not conceive that the last quarter's amount of the produce of the taxes could fairly be stated to be a criterion, by which it could be decided with any tolerable degree of certainty, what the produce of the taxes would be upon the Midsummer and the Michaelmas quarters of the present year. He believed, that upon inquiry it would be found that the whole year's produce of several of the right hon. gentleman's taxes of the last session had been paid in the course of the last quarter, which would naturally cause the amount of that quarter's produce to swell in its size, and exceed in a pretty considerable degree the produce of the preceding quarters. The taxes he alluded to, were, he said, the hat-licence tax, the house tax, the game licences, and several other of last year's taxes, that were to be paid in a round sum once every year. From the manner in which the right hon. gentleman had stated his computation of the probable amount of the whole produce of the four quarters of the present year's taxes, the House might possibly be deceived into a belief that there was not any deficiency in the produce of the right hon. gentleman's taxes of the last year, and that they would really bring the sum for which they had been given, viz. 900,000*l.* This, however, he had good reason to believe, was by no means likely to turn out to be the fact; on the contrary, he was induced to imagine that the produce would fall short of 900,000*l.* in the gross sum of 400,000*l.* The right hon. gentleman, he observed, had stated, that 190,000*l.* was to be deducted from the 3,066,000*l.* the amount of the produce of the taxes for the quarter ending April 5, 1785, the produce of the taxes of the last session for that quarter. Admitting, therefore, for the sake of argument, 190,000*l.* would be the produce of the other quarters on the same account, still the aggregate would fall considerably short of 900,000*l.* But he must go farther, and contend, that so large a sum as 190,000*l.* was not likely to be produced by the taxes of 1785, upon each of the two quarters to come, and that for the reason he had already stated, viz. because the whole year's amount of several of the taxes of the last year had been paid in the course of the past quarter. As the right hon. gentleman had declared the House could not have too much information on the subject before them, Mr. Sheridan said he should move for an account of the produce of all the taxes of the last year; by which alone the House could determine, how far their amount fell short of the sum for which they had been given, and how far the insinuation, that the right hon. gentleman's taxes were more unexceptionable and efficient than those of other financiers, was founded.

Mr. *Pitt* disclaimed any intention of making invidious comparisons or allusions affecting former ministers: he had only spoken generally of the merit of the taxes of the last year, and that was the way he should always consider any tax whatsoever; not with a view to the minister who introduced it, but solely regarding its salutary effects with respect to the public. He said, that he was by no means sore on the subject which the hon. gentleman had hinted at, relative to a too violent thirst for popularity leading him aside in the prosecution of his duty; he was willing to abide by the general complexion of his ministerial conduct for a refutation of such a charge, from which he flattered himself it would appear, that although he had, perhaps, shewn a wish to earn popularity, by the best endeavours in his power for the public benefit, he had never attempted to purchase it at the expense of his official duty. The hon. gentleman had mistaken him, in supposing that he had included the amount of the new taxes, in his calculation of the superiority of the last quarter's income, above the former quarters; those had already brought in a sum of 190,000*l.* which, together with other sums, one of 60,000*l.* the other of 40,000*l.* which had been received from the deficiencies of former accounts, he had omitted. The hon. gentleman was also mistaken in imagining that the whole of the new taxes for the present year were already received, in one gross sum. This was by no means the case with respect to the hat-duty, which afforded a perpetually accruing income; and in the duty respecting game

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qualifications, he had every reason to expect that it would be found, when such regulations as every new arrangement must from time to time be found to want, should be applied, it would become considerably more productive than it had yet been.

Mr. *Fox* said, that a great deal of what had fallen from the right hon. gentleman had given him pleasure; but the right hon. gentleman must allow him to say, that several parts of his speech had not so well pleased him. Mr. Fox then went into an examination of the different mediums of computation taken by Mr. Pitt, in order to get at the probable produce of the taxes upon the four quarters of the year. The most sanguine of all he reprobated as beyound all expectation, and the medium the right hon. gentleman had said he himself relied on most, viz. the amount of the quarter ending April 5, 1785, he declared he thought sufficiently sanguine; but even taking it by that medium, the utmost produce to be expected being only equal to the expenditure of the peace establishment, there would then remain one million for the sinking fund, to be raised by imposing new taxes; and new taxes upon the public——

Mr. *Pitt* interrupted Mr. Fox, for the sake of setting him right. The million for the sinking fund, he said, he included in the fifteen millions and a half, stating the peace establishment at no more than 14,500,000*l*.

Mr. *Fox* said, he was glad to find, that the million for the sinking fund was included within the fifteen millions and a half; he wished, however, to caution the House against relying too much on sanguine calculations, founded on mere speculation. Either extreme, in matters of such moment, was to be avoided equally. Those who were inclined to despond, were not to be relied on, because a desponding financier would do nothing; and those who were too sanguine should be watched carefully, because they were likely to act injudiciously. He wished, therefore, that the House would avoid both, and he flattered himself the right hon. gentleman would not trust, for his million for the sinking fund, to any sanguine hopes of the future quarter's produce being equal to the last, or likely to exceed it; but that he would trust to experience, to what was solid and certain, the former produce of the taxes. Let him secure his million for the sinking fund beyond the possibility of failure, and let his expectations of increase upon the future produce of the taxes go in aid of that million. Mr. Fox said, he thanked God that whatever difference of opinion there was on other subjects, all parties were agreed as to the necessity of supporting the credit of the nation; and when he said this, he did not use the word credit merely in its particular sense, but in its great and general import, as that which made Great Britain respectable among the other powers of Europe. There was not, he said, a reasonable and thinking prince in Europe, nor a wise minister in any cabinet in Europe, that had not his eyes upon the state of our national debt, and the state of our sinking fund. It was therefore of the highest national importance that some means, that could be depended upon, should be resorted to, to create and cherish a sinking fund for the purpose of diminishing the debt of the nation. Nor ought any time to be lost in a business of so much importance: peace was the time the best adapted to it, but already near three years had elapsed, not indeed since we had been at peace, but since it had been known that the war was drawing to its conclusion; and when it was considered how slow and how small the progress always was in paying off and diminishing the debt; and, on the other hand, how rapidly we went down the hill again, and increased its amount when a war began, or even in the year immediately preparatory to a war, every man must feel the necessity for using all possible dispatch, and of making the capital of the fund as large as possible: a million a year appeared to him to be too little to expect much good from, the few years of peace this country enjoyed taken into the consideration. With regard to the taxes of the last year, he thought there was no ground for blame on that occasion; indeed he was glad, that in all the various administrations the same thing had uniformly happened, and that each of them had experienced it, because it must serve as a general proof of the fallacy of loose computation, and of the extreme necessity of joining their exertions in support of the national credit; a subject upon which, he verily believed, every late administration, and every late financier, had been in earnest, and the one not more sincere and zealous than the other, whether the party alluded to were the noble lord in the blue ribbon, the noble lord who acted as Chancellor of the Exchequer, while he had the

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honour to be in administration, or the right hon. gentleman on the other side of the House. With regard to the right hon. gentleman's not being as forward or as ready as he ought to be in proposing new taxes or new burthens, if such were necessary for the support of the national credit, he had never heard it insinuated, that any fear of incurring unpopularity, or giving rise to the clamour of a moment, or to a clamour of a still longer duration, had deterred him from so necessary a part of his duty. If it could produce such an effect, he should make no scruple to have charged him with having been the worst and the most corrupt minister that had ever existed in the worst and most corrupt times. But Mr. Fox said, violent as party had run in that House, at no time had any great impediment been thrown by opposition in the way of raising money upon the public by taxes, where the necessity for imposing such burthens had been apparent; and the right hon. gentleman might be assured of his support, and of that of all parties and of all sorts of connexions in that House, whenever he should come forward with any propositions for the better and more effectually securing a sinking fund for the purpose of diminishing the national debt. With regard to how far one sort of tax was preferable to another, there might be a difference of opinion; but there would be none as to the necessity of imposing taxes, for the support of the credit of the nation. Mr. Fox took occasion to glance at the commutation tax, of which he expressed his usual disapprobation, declaring it was the substitution of a severe, an oppressive, and an odious burthen; the efficiency of which would continue to be precarious, in the room of one that was certain in its produce, and right in its operation.

Mr. *Eden* rose to give his cordial thanks to the Chancellor of the Exchequer, not only for calling upon parliament to enter into a consideration of the first possible importance, but for having prepared information essentially necessary to enable the House to form conclusions respecting the state of the public credit. The papers now moved for were quarterly continuations of papers, for which he himself had for some years called at the opening of each session; and he well knew, that a statement of so complicated an account, so late as to the 5th of the present month, could only be in readiness, though prepared by a very intelligent and industrious officer, in consequence of preparatory orders from the Treasury. As to the contents of that account, he would not risk comments on particulars which he had not seen: but he would enter into the examination of it with a most anxious wish to find that it would realize to the country, the comfortable prospect of an efficient sinking fund. In the mean time, he must observe upon the totals stated by the right hon. gentleman, that though they afforded much cause of congratulation *primâ facie*, it would be unwise and unmanly not to look more closely to the fair result of even the most prosperous of the statements. The The quarter ending at Lady-day was reported to give a net produce of above three millions: he would for the present wave all doubts respecting the risk of taking a quarter, which happened to be peculiarly high, in order to estimate the regular proportion of the revenue: he would not also, for the present, inquire what branch of the customs or excise had particularly increased, or whether there was any sufficient ground to expect that the subsequent quarters would be equally high: he would, for the sake of argument, admit the whole in the most flattering extent, and consequently that the net produce of all the taxes, including those of 1784, would for the future be 3,025,000*l.* per quarter, or 12,100,000*l.* a year. To this he would add 2,400,000*l.* for the annual land and malt, making in the whole a national revenue of 14,500,000*l.* According to this statement, the revenue would then only equalize the expenditure; for it had been admitted on all hands, that the annual peace expenditure might be estimated at fourteen millions and a half: indeed, it could not reasonably be taken at less; for the interest and charges of the national debt were, at least, nine millions; and when added to the sum appropriated for the civil list, might be called ten millions. The army, navy, and ordnance, together with the half-pay, Chelsea, and long list of sundries annually voted, would make a farther sum of four millions and a half; and consequently, unless his last list could be diminished, there remained, under the admission of a very disputable calculation, no favourable balance whatever. If, on the other hand, that calculation should prove fallacious, the prospect was gloomy, and such as would require much wisdom, much firmness, and much temper, in parliament, in ministers, and in the people at large. He concluded,

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however, as he began, with thinking it highly meritorious to bring the matter forward, and to furnish sufficient materials for its due investigation.

Mr. *Dempster* rose to put two questions to the Chancellor of the Exchequer. The one was, whether it was the right hon. gentleman's intention to begin upon his scheme, and appropriate a million this year, or not to begin it till the next year. The other point was, whether he meant to secure his sinking fund from being diverted to a wrong purpose, by instituting some sort of commission for the special superintendence of it, and in order to put it out of possibility that it should be appropriated to any other object than the actual diminution of the national debt.

Mr. *Pitt* said, that his idea exactly corresponded with that of the hon. gentleman with respect to the establishment and use of a sinking fund: he should never be satisfied with such a fund, unless it were so locked up, and so strongly confined to the purposes of its institution, the diminution of the national debt, as that nothing else could possibly touch it, but that it should be looked upon as perfectly sacred, and not convertible to any other end; and that for this purpose, it should be put under the most effectual restraints that could possibly be devised. In answer to the other question of the hon. gentleman, he said, that it was not his intention that this fund should commence until next year, because as there was such a flattering prospect of increasing prosperity, he thought it better to defer it for one year longer, as any ideas that might now be formed on the subject, would probably be materially affected by the favourable turn which, by that time, it was to be expected, affairs would have taken, and that he thought the whole of the business might more easily be reduced to a system after it should be seen how far the revenue, as it now stood, would, by means of its expected improvement and increase, answer the purpose.

Mr. *Dempster* said, that what had fallen from the right hon. gentleman had given him very great concern. He had entertained hopes that the right hon. gentleman had designed to begin his scheme immediately. The reason why he hoped so was, his conviction that there was no time to be lost, as our enemies had got the start of us. France having already provided a sinking fund, which, with the sums that would very shortly fall into it, would enable her in a few years to get rid of the greatest part of her national debt. On this account, and that we might not have our enemies beforehand with us on so important a point, he was extremely anxious that no time should be lost, nay, he would even wish the right hon. gentleman should borrow the million, rather than not begin to create the sinking fund this year. The money to be raised would be no more than 50,000*l.* to pay the interest; and one million a year dedicated to the sole service of paying off the national debt, would, in 54 years, pay off near 200 millions.

Mr. *Pitt* said, that although there certainly might at times, and under certain circumstances, be an advantage in borrowing at 5 per cent. for the purpose of paying off debts, yet it was not a part of his plan.

The question was put and agreed to.

Transportation of Felons.] Lord *Beauchamp* begged leave to remind the House of an order that had been made at an early part of the present session, and of which he was sorry to find no notice whatever had hitherto been taken. The order to which he alluded, was, that a report should be made to the House relative to the manner in which government intended to dispose of felons under sentence of transportation. He presumed the right hon. gentleman had not had leisure, from the multiplicity of public affairs, to attend to an order of such great moment. He wished, however, that the right hon. gentleman would inform him, when he conceived a return might be expected to the ordinary question, as he intended to ground upon that return a motion, which he would submit to the House on a future day.

Mr. *Pitt* admitted the importance of the subject, and stated as an excuse for the neglect of the order a very great hurry of public business; he would, however, take care that the return to it should be made with all possible dispatch. At the same time he thought the noble lord would do well, if he would make the House acquainted, at present, with the nature of the motion that he intended to propose on a future day.

Lord *Beauchamp* replied, that as his motion would, in a great measure, depend on the nature of the return, he could not, until he should have seen that return, gratify the wish of the right hon. gentleman. Some motion, however, would be

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absolutely necessary. The transportation of felons had generally been to places within the dominions of his Majesty; but, if report spoke truth, government had it in contemplation to send them to the coast of Africa, and to form a colony of them out of the British territories. This appeared to him a subject well worthy of inquiry; and he believed he should on Wednesday submit to the House a proposition on that head.

Mr. *Burke* said, that the design of sending the felons to Africa, was of a very serious nature; it would affect not only the present unfortunate wretches who were under sentence of transportation, but also future generations of convicts, if the idea of colonizing Africa with felons, should be once adopted. He could not reconcile it with justice, that persons whom the rigour of the law had spared from death, should, after a mock display of mercy, be compelled to undergo it, by being sent to a country where they could not live, and where the manner of the death might be singularly horrid; so that the apparent mercy of transporting those wretched people to Africa, might with justice be called cruelty: the merciful gallows of England would rid them of their lives in a far less dreadful manner, than the climate or the savages of Africa would take them—

Mr. *Pitt* interrupted Mr. Burke, by observing that be was assuming facts, without any better authority than report; he thought therefore it would be more proper for the right hon. gentleman to wait till he should have seen the return called for by the noble lord.

Mr. *Burke* said, that though there was no question actually under discussion, he was not of opinion that, in any thing he had said, he had been out of order. The situation of the felons who were to be transported, called for immediate attention: he understood that 75 of them were now on board a ship, which might sail before morning, and the wind would soon carry them out of the reach of the interposition of parliament. He was now appealing to the minister for his interference: the King, by his coronation oath, had bound himself to execute judgment in mercy; and the right hon. gentleman was the trustee of his Majesty's oath. There were at the moment that he was speaking, nests of pestilence in the country; the gaols were crowded beyond measure; there was a house in London, which consisted at this time of just 558 members; he did not mean the House of Commons (though the numbers were alike in both), but the gaol of Newgate: they attended in their places much more punctually than the members of the latter; and the reform in one would not be less agreeable than a reform in the other. Pestilence might be the consequence of so many persons being crowded in one house; and the public safety, no less than a humane regard to the individuals in question, called for the interposition of parliament.

Here the business rested for this day.

Debate in the Commons on Mr. Pitt's Motion for a Reform in Parliament.] April 18. The Speaker ordered the serjeant at arms to go with the mace into the Speaker's chambers, the Court of Requests, and places adjacent, and summon the members there to attend the service of the House. And he went accordingly; and being returned,

Mr. Chancellor *Pitt* rose to call the attention of the House to the important subject of a Reform in the Representation of the People. He said it was unnecessary for him to point out how much this subject ought to engage the attention of gentlemen, and how nearly it was connected with every other interest which could be important to Englishmen. In entering upon this subject, he said, he was aware of the division of sentiment, and of the pertinacity with which some men adhered to opinions inimical to every species of reform. But he rose with hopes infinitely more sanguine than he ever felt before, and with hopes which he conceived to be rationally and solidly founded. There never was a moment when the minds of men were more enlightened on this interesting topic than now; there never was a moment when they were more prepared for its discussion. A great many objections which from time to time had been adduced against reform, would not lie against the propositions which he intended to submit to the House; and the question was in truth new in all its shape to the present parliament.

He was sensible of the difficulty there was now, and ever must be, in proposing a plan of reform. The number of gentlemen who were hostile to reform, were a phalanx, which ought to give alarm to any individual upon rising to suggest such a measure. Those who, with a sort of superstitious awe, reverence the constitution

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so much as to be fearful of touching even its defects, had always reprobated every attempt to purify the representation. They acknowledged its inequality and corruption, but in their enthusiasm for the grand fabric, they would not suffer a reformer, with unhallowed hands, to repair the injuries which it suffered from time. Others, who, perceiving the deficiencies that had arisen from circumstances, were solicitous of their amendment, yet resisted the attempt, under the argument, that when once we had presumed to touch the constitution in one point, the awe which had heretofore kept us back from the daring enterprize of innovation might abate, and there was no foreseeing to what alarming lengths we might progressively go, under the mask of reformation. Others there were, but for these he confessed he had not the same respect, who considered the present state of representation as pure and adequate to all its purposes, and perfectly consistent with the first principles of representation. The fabric of the House of Commons was an ancient pile, on which they had been all taught to look with reverence and awe: from their cradles they had been accustomed to view it as a pattern of perfection; their ancestors had enjoyed freedom and prosperity under it; and therefore an attempt to make any alterations in it would be deemed, by some enthusiastic admirers of antiquity, as impious and sacrilegious. No one reverenced the venerable fabric more than he did; but all mankind knew that the best institutions, like human bodies, carried in themselves the seeds of decay and corruption, and therefore he thought himself justifiable in proposing remedies against this corruption, which the frame of the constitution must necessarily experience in the lapse of years, if not prevented by wise and judicious regulations.

To men who argued in this manner, he did not presume to address his propositions, for such men he despaired of convincing; but he had well-grounded hopes, that in what he should offer to the House, he should be able to convince gentlemen of the former descriptions, that though they had argued so strongly against general and unexplained notions of reform, their arguments would not weigh against the precise and explicit proposition which it was his purpose to submit to them. The objection to reform, under the idea of innovation, would not hold good against his suggestion, for it was not an innovation on any known and clear principle of the constitution. Their objection to reform, because it might introduce habits of change and alteration, of which no man could foresee the extent or termination, would be equally inapplicable to his plan, for in his mind it would be complete and final. In his mind, it would comprehend all that a rational reformer would think it necessary now or at any time to do, and would therefore give no licence to future or more extensive schemes. The argument, that no alteration of the number of members composing the House ought at any time to be suffered, and that no reform of the representation in what was emphatically called the corrupt parts, ought to be accomplished by an act of power, would be equally inapplicable; for, by his proposition, he meant to lay it down as a first principle, that the number of the House ought to remain the same, and that the reform of decayed boroughs ought not to proceed on disfranchisement. This, he said, was the third effort made by him since he had the honour of a seat in parliament, to prevail upon the legislature to adopt a reform in the representation of the people. He had twice failed in his endeavours to effect this salutary purpose, and yet he was not discouraged from renewing them this day: he was encouraged by two circumstances which he had not in his favour on the former occasions. The reform which he now meant to propose, was more consistent with the views of the best and most moderate men; and this was a new House of Commons, that had never been consulted on the subject of reform, and consequently had not, like the two last, negatived a proposition made for introducing it. Therefore, though the subject might be thought stale by the public, as it had been so frequently agitated, it was perfectly new to the House of Commons which he had then the honour to address.

That gentlemen should have set themselves against general and unqualified notions of reform, he did not much wonder; and that they should be still more inimical to the vague, impracticable, and inconclusive chimeras which had been thrown out at different times by different reformers, he was not astonished. Reverencing the constitution, and feeling all the pride of an Englishman on the experience of its beauty, even with all its blemishes, it was no wonder that gentlemen should be alarmed at suggestions which were founded

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on no principle, and which admitted of no limit. But there were certain propositions, in which he had reason to think that all men must coincide. If there were any specific means of purifying the state of representation on its first principle, without danger of altering the fabric, and without leaving it either in uncertainty or disorder, such means ought, with becoming caution, to be used. On this clear and indisputable proposition it was that he wished to go. It was because he imagined that a plan might be formed, congenial with the first principles of representation, which would reform the present inadequate state, and provide in all future times for as adequate and perfect a state of representation as they could expect to arrive at, in the present circumstances of the country. He was aware, when he spoke in this manner, that the idea of general and complete representation so as to comprehend every individual, and give him his personal share in the legislature of the country, was a thing incompatible with the population and state of the kingdom. The practical definition of what the popular branch of our legislature was at this day, he took to be precisely this: An assembly freely elected, between whom and the mass of the people there was the closest union and most perfect sympathy. Such a House of Commons it was the purpose of the constitution originally to erect, and such a House of Commons it was the wish of every reformer now to establish. Those who went farther—those who went to ideas of individual representation, deluded themselves with impossibilities, and took the attention of the public from that sober and practicable path in which they might travel safely and with ease, to launch them into an unbounded sea, where they had no pilot to direct, and no star to guide them.

Solicitous as he was of reform, he never could countenance vague and unlimited notions. It was his wish to see the House adopt a sober and practicable scheme, which should have for its basis the original principle of representation, and should produce the object which every lover of our constitution must have in view—a House of Commons between whom and the people there should exist the same interest, and the most perfect sympathy and union. It was his purpose to see an arrangement made, which, while it corrected the present inadequate state of representation, should keep it adequate when made so, and should give to the constitution purity, consistency, and, if possible, immortality. Such was the sanguine idea which he entertained from his project, and such he trusted would be the sentiment of the House upon its exposition. Whatever argument might be adduced against its practicability, and what against its expediency, he trusted that the old argument of innovation would not be alleged. As he had said, it was not an innovation; and he was sure that gentlemen would agree with him in this sentiment, when they turned their eyes with him back to the earliest periods of our history, and traced the practice of our ancestors in the purest days.

He considered it, on such a review, as one of the most indisputable doctrines of antiquity, that the state of representation was to be changed with the change of circumstances. As far back as the period of the reign of Edward I. which was the first time when they could trace distinct descriptions of men in the representation, the doctrine of change was clearly understood. The counties were not uniform; the number of members was frequently varied; and from that period to the reign of Charles II. there were few reigns in which representation was not varied, and in which it did not undergo diminutions or fluctuations of some kind or other. Those changes were owing to the discretion which was left in the executive branches of the legislature, to summon or not to summon whom they pleased to parliament. The executive branch of the legislature was vested with this discretion on no other principle, than that the places, which might for the time being have such a share in the general scale of the people, as should entitle them, or rather subject them, to the duty of sending members to the representative body, might be appointed to do so. In this very discretionary power the principle of alteration was visible, and it manifested the original notion which our forefathers had of representation to be this:—That whereas it was impossible that every individual of a populous country could make choice of a representative, the task should be committed to such bodies of men as might be collected together in communities in the several districts of the kingdom: and as such communities must from their nature be fluctuating and moveable, that the Crown should have the discretion of pointing out which of them were proper from their size and scale, to execute this

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duty for the rest. Every man must acknowledge that to have exercised this discretion otherwise than soundly, must have been a high grievance; and he needed not to say, that if it were now vested in the Crown, and that ministers might fix on such places as they pleased for the choice of members, there was not a man in England who would not consider the liberties of his country as extinguished. Such discretion, however, did exist; and he mentioned it to shew, that principles in representation had been departed from, and had their existence no longer. The argument against change was an argument against the experience of every period of our history. There had not been of late any addition to the county share in the representation, except indeed of the palatines, of the principality of Wales, and of another addition which had been made since the period at which it was common to say that our constitution was fixed, the Revolution, namely, the addition of all that part of the united kingdom called Scotland.

But in the borough representation the changes had been infinitely more common. Gentlemen had undoubtedly read, that, of the boroughs which used formerly to send members to parliament, seventy-two had been disfranchised, that was to say, that the Crown had ceased to summon them at general elections to return burgesses to the House of Commons. After the restoration, thirty-six of these boroughs petitioned parliament to be restored to the exercise of their ancient franchise; their prayer was granted, and to this day they continue to enjoy it. But the other thirty-six, not having presented any petition on the subject, had not recovered their lost franchise. Upon this he would be bold to say, that, considering the restoration of the former, and the continued deprivation of the latter, the spirit of the constitution had been grossly violated, if it was true, (but which he denied) that the extension to one set of boroughs of the franchise of returning members to parliament, and the resumption of it from others, was a violation of the constitution. For if the numbers could not originally have been constitutionally increased, so they could not constitutionally have been diminished. But having been once diminished, to restore them might by some be said to make an innovation; and if the parliament had any authority to restore the franchise, the principle of restoration ought to have been extended to the seventy-two boroughs, and not confined to one half of them. Here then it appeared manifest, that the whole was governed by a principle which militated directly against the modern doctrine, that to do what had been constantly done for ages, by the wisest of our ancestors, was to innovate upon the constitution. The seventy-two boroughs in question had discontinued to return members, because they had fallen into decay. Thirty-six of them afterwards recovered their franchise, when they recovered their former wealth and population; but the other thirty-six, not having renovated their former vigour and consequence in the state, remained to this day deprived of the franchise which had been taken from them, when they lost the wealth and population, on account of which they had originally obtained it.

Why then was there a greater objection to any change in the representation of certain boroughs now, than there had been in former periods? Why were they more sacred now than the thirty-six boroughs which had been disfranchised, and which had no share at present in the representation of the country? The arguments that influenced gentlemen against any change at this time, would have equally operated against the thirty-six boroughs which had from time to time been extinguished, as well as against the same number, which, having been abolished, were, from a change of their circumstances, re-instated in their privilege. In those earlier periods, such was the notion of representation, that as one borough decayed, and another arose, the one was abolished, and the other invested with the right; and alterations took place from accident or caprice, which, however, so far as they went, stood good and valid. The alterations were not made by principle; they did not arise from any fixed rule laid down and invariably pursued, but they were founded in that notion which gave the discretionary power to the Crown, viz. that the principal places, and not the decayed boroughs, should be called upon to exercise the right of election.

He contended, therefore, that the same notion should now prevail, but that it should be rescued from that accident and caprice in which it had before been involved; that the alteration should be made on principle; and that they should establish this as a clear and external axiom in representation—that it should always be the

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same—that it should not depend upon locality or name, but upon number and condition, and that a standard should be fixed for its size. He would submit to the world which of the two was most anxious for the preservation of the original principle of the constitution, he who was for maintaining the exterior, and name of representation, when the substance was gone, or he who, preferring the substance and reality of representation to the name and exterior, was solicitous of changing its seat from one part of the country to another, as one place might flourish and another decay? It was his idea, that if they could deduce any good principles from theory, and apply them to practice, it was their duty to do so. It was then the theory, and it had been the practice, in all times, to adapt the representation to the state of the country; and this was exactly what it was his intention to recommend to the House. Now and in all future time to adapt the representation to the state of the country, was the idea of reform which he entertained.

Perhaps gentlemen would be apt to exclaim that this contradicted the declaration with which he set out, viz. that the plan which he meant to propose would be final and complete. When they came, however, to hear the whole of his idea, he trusted they would find that his proposition had in view not only an immediate reform, but that it comprehended an arrangement which must operate in all future time, and provide for the changes which in the nature of things must incessantly arise in a country like Britain. He wished to establish a permanent rule to operate like the discretion, out of which our present constitution had sprung. That discretion would be very improper to exist now, though in ruder times it was not so dangerous, when representation was rather a burthen than a privilege, rather a duty than an object of ambition. For that discretion he was no advocate; but he wished to remind gentlemen, that that discretionary power had never been wrested from the hands of the executive branch of the legislature, and that to this day there existed but the Act of Union to prevent the Crown from adding to or diminishing the number of that House. By the Act of Union, the proportionate numbers for the two parts of the kingdom were fixed, and from the date of that Act, but not till that Act, the discretion of the Crown was at an end.

The argument of withstanding all reformation, from the fear of the ill consequences that might ensue, made gentlemen come to a sort of compromise with themselves. "We are sensible of certain defects; we feel certain inconveniencies in the present state of representation; but fearing that we may make it worse by alteration, we will be content with it as it is." This was a sort of argument to which he could not give his countenance. If gentlemen had at all times been content with this doctrine, the nation would have lost much of that excellence of which our constitution now had to boast. Who would say but that the excellence of the constitution was the fruit of constant improvement? To prove this fact required but little illustration. It was, for instance, a first principle in our constitution, that parliament should meet as frequently as the exigencies of the state should require. This was a clear principle, but the periods were not fixed. Practice, however, had improved on this principle, and now it was established that parliament should annually meet.

Something like that which he meant now to recommend, did take place in very early periods of our history. It was remarkable that James 1, a prince who mounted the throne with high ideas of prerogative, and who was not to be suspected of being too partial to the liberties of the subject, stated, in his first proclamation for calling a parliament, that the sheriffs of the counties should not direct such boroughs to send members, as were so utterly ruined as to be incapable or unentitled to contribute their share to the representation of the country. At another period of our history, which, whatever objection he might have to its general principles, had given rise to many salutary laws; he meant in the days of Cromwell; it was declared by the Protector that there should be a greater proportion of knights than of burgesses in the House of Commons. He mentioned this authority (for which he had, in the general, no great reverence, seeing that his opposition to Charles 1, began in licentiousness, and proceeded, as licentiousness always did, to tyranny,) because it would shew, that whatever was his respect for the constitution of the country, his opinion evidently was, that representation should be proportioned to the people represented. Lord Clarendon, in speaking of the plan of Cromwell, had said, and it was to be found

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in his writings, "that it was worthy of a more warrantable authority, and of better times." From these circumstances, he thought that a doubt could not be left on the mind, but that it always had been the principle of representation that it should change with the changes which the country might endure, and that it should not be merely governed by exterior and local considerations.

Feeling, therefore, that this was the clear principle of representation, he begged the House to remember, that he had told them, in the outset, that his plan was free from the objection of altering the number of the House, and also from the objection of making any change in the boroughs by disfranchisement: his plan consisted of two parts: the one was more immediate than the other, but they were both gradual. The first was calculated to procure an early, if not an immediate change of the representation of the boroughs; and the second was intended to establish a rule, by which the representation should change with the changes of the country. It was the clear and determined opinion of every speculatist, that there should be an alteration of the present proportion between the counties and boroughs, and that, in the change, a larger proportion of members should be given for the populous places, than for places that had neither property nor people.

It was therefore his intention to submit to the House to provide, that the members of a certain number of boroughs of the last description, that is, of boroughs decayed, should be distributed among the counties. He would take the criterion, by which he should judge what boroughs were decayed, from the number of houses; and this was a mode of judgment which was not liable to error, and which he conceived to be perfectly consistent with the original principle of representation. He should propose, that these members should be transferred to the counties, beginning with those that stood in the greatest need of addition. Such a reform as this was in its nature limited; for, if once the standard for the lowest county was fixed, the proportion for all must be the same, and it would be impossible to add more for any one county than for the rest. In this view of the business, he imagined, that the House would agree with him in thinking, that there were about thirty-six boroughs so decayed, as to come within the scheme of such an operation. Seventy-two would therefore be the number of members to be added to the counties, in such proportion as the wisdom of parliament might direct, and this number it was his intention to propose should be fixed and unalterable. The operation should be gradual, as he intended that the boroughs should be disfranchised on their own voluntary application to parliament. Gentlemen must be aware that a voluntary application to parliament was not to be expected without an adequate consideration being given to the boroughs; and he trusted that gentlemen would not start at the idea of such a consideration being provided for. A reform could only be brought about by two means—by an act of power, or by an adequate consideration which might induce bodies or individuals to part with rights which they considered as a species of valuable inheritance, or of personal property. To a reform by violence, he, and he was sensible many others, had an insurmountable objection; but he considered a reform in the representation of the people an object of such value and importance, that he did not hesitate in his own mind to propose and to recommend to the House the establishment of a fund for the purpose of purchasing the franchise of such boroughs as might be induced to accept of it under the circumstances which he had mentioned.

It might be asked what the consideration could be for such a franchise. He knew there was a sort of squeamish and maiden coyness about the House in talking on this subject; they were not very ready to talk in that House, on what, at the same time it was pretty well understood, out of doors they had no great objection to negociate, the purchase and the sale of seats. But he would fairly ask gentlemen, if these sort of franchises were not capable of being appreciated? and whether, notwithstanding all the proud boast of its being an insult to an Englishman to ask him to sell his invaluable franchise, there were not abundance of places where, without imputing immorality to any individual, such franchise might be purchased? Could it not be proved, that in this country estates so situated as to command an influence in a decayed or depopulated borough, and to have the power of returning two members to parliament, sold for more money than they would have done if situated in any other place, however luxuriant the soil might be, however productive its harvests? Unless, in-

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deed, its harvests could occasionally produce a couple of members, its intrinsic value was less. There were many reasons why men might be induced to surrender this franchise. In some instances, where the right of returning members was attached to the possession of an estate, and where it might be considered as an inheritance, giving to the possessor the power of doing so much good to his country, he might warrantably and honourably accept of a valuable consideration, since by the use of the equivalent, he might be equally serviceable to the community. In some instances, persons enjoyed the franchise in consequence of a life-right; and enjoying it only for their lives, interest would naturally induce them to accept of a consideration: others enjoyed it by a still more temporary tenure, merely by the circumstance of local residence; and to them, therefore, it must be an opportunity which they would covet to embrace. Seeing the matter, therefore, in these points of view, he had no doubt in his own mind, but that the boroughs to which he alluded would voluntarily surrender their franchise to parliament, on such consideration being given. He should propose that the fund to be established should be divided into two parts, and that it should be stipulated that a larger sum should be given for perpetuities than for temporary rights. He had stated before, that this operation would not be immediate, at least to the full extent; for he had reason to believe that it would neither be slow nor distant.

The second part of his plan was to provide, that, after the full and final operation of the first proposition, that is, after the extinction of 36 boroughs, and the transfer of their members to the county representation, if there still should remain any borough so small and so decayed as to fall within the size to be fixed on by parliament, such borough should have in its power to surrender its franchise on an adequate consideration, and that the right of sending the members to parliament should be transferred to such populous and flourishing towns as might desire to enjoy the right; and that this rule should remain good, and operate in all future time, and be applied to such boroughs as, in the fluctuating state of a manufacturing and commercial kingdom, might fall into decay in one part of the country, and rise into condition in another. These propositions, taken together, comprehended what he conceived to be a final and complete system, and which would ease the minds of gentlemen with respect to any future scheme of reform being attempted, or being necessary. This was not a plan of reform either fluctuating or changeable. It was not subject to the argument, that the stirring of this question would lead to endless innovations, and that when once involved in change, there was no foreseeing where we might stop: nor was it subject to the objection that it was an innovation; for he had very much failed in making his own ideas intelligible to the House, if he had not shewn them that it was a plan in every respect congenial, not only with the first principle, but with the uniform practice of the constitution. These arguments, therefore, he trusted, would not be brought against his plan. The argument whether his propositions were practicable, whether they were susceptible of an easy and early execution, he should be happy to hear and to discuss. But all the arguments that had from time to time been brought against general and unexplained notions, as they were not applicable, he trusted they would not be adduced.

He anticipated several objections, which, when the propositions came to be discussed in the detail, he should be happy to meet and to combat. The first, he supposed, would be the argument of the expense. Certainly it would always be wise and proper for that House to guard against wild and chimerical schemes and speculations, which might involve their constituents in additional burthens; but he did not believe that, in a matter so dear and important to Englishmen, they would be intimidated from embracing it by the circumstance of the cost. He conceived it to be above price: it was a thing which the people of England could not purchase too highly. Let gentlemen set the question in its proper point of view; let them oppose to the expense, however great, the probable, and indeed the almost certain, advantages to accrue from it, and then they would see how little the argument of economy ought to weigh against the purification of the popular branch of the legislature. If there always had been a House of Commons who were the faithful stewards of the interests of their country, the diligent checks on the administration of the finances, the constitutional advisers of the executive branch of the legislature, the steady and uninfluenced friends of the people, he asked, if the burthens which

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the constituents of that House were now doomed to endure, would have been incurred? Would the people of England have suffered the calamities to which they had lately been made subject? And feeling this great and melancholy truth, would they consider the divestment of any sum as an object, when by doing so, such a House of Commons might be ascertained? He did not, therefore, think that the argument of the expense would be much insisted on, nor indeed would the expense be so great as, on the first blush of the matter, gentlemen might be apt to imagine.*

Another objection that he foresaw was, that the operation would be but gradual, and its full and final accomplishment at least be distant. This, however, was not an objection that could have much weight. He did not believe that the operation would either be so slow or very distant: he had stated to the House several reasons, to shew that the different descriptions of men would have an interest in accepting the conditions to be offered by parliament; and in the fluctuating state of property, and in the almost constant necessities of men, he argued, that the offer of the consideration would from time to

* The Rev. Mr. Wyvill, chairman of the Yorkshire Committee, with whom Mr. Pitt conferred on the formation of his plan, gave the following "Summary Explanation of its Principles" at a public meeting:

"The number of additional representatives to the great districts is proposed to be 72; for which the disfranchisement of 36 small boroughs would be wanted. The means by which so considerable a surrender of the right to return members to parliament is expected to be obtained, is certainly adequate to the end proposed, and yet in the view, either of equity or of expedience, perfectly unexceptionable.

"It is proposed that a million of pounds sterling be set apart, as a fund for compensation to the boroughs which may be disfranchised; that this whole sum be divided into 36 shares, of which, that each borough agreeing to surrender its elective right, and applying, by petition from two-thirds of its electors, to parliament for that purpose, be entitled to one share, to be distributed in due proportion among the several persons interested therein, according to their respective equitable claims, by a special committee of the House of Commons, to be appointed in the same manner as committees are appointed to try the merits of contested elections; by which, if any question should arise, touching the right of voting, or whether the petitioners are actually two-thirds of the voters, such question shall be decided: that the interest of these 36 shares, or several principal sums of money, be suffered to accumulate and be added to each principal sum, until, by the decision of such committee, each sum, principal and interest included, shall be awarded to some small borough on its voluntary application to be disfranchised. By this provision, the sum appropriated, if not large enough at first to induce the decayed boroughs to surrender their obnoxious rights, would continually increase, and the temptation to resign them would become ultimately irresistible.

"By the other part of Mr. Pitt's system of reformation, a subsequent improvement of the borough representation would be ascertained, and carried into execution on similar terms: and, moreover, a principle of future and perpetual improvement in the representation of towns to an indefinite extent would be established.

"When the representation of the counties and the metropolis shall have been rectified in the mode and to the extent already described, it is proposed that a second sum be set apart to induce such decayed or inconsiderable boroughs aforesaid, as may still remain, to make a farther surrender of the right of electing members of parliament, in order that such right may be transferred to the towns of Birmingham, Manchester, and other large unrepresented places, whenever such unrepresented places shall respectively petition parliament for the same—Also, that the elective franchise, exclusively enjoyed by a few inhabitants, members of the corporate body in certain towns, may be imparted to the inhabitants, house-holders of such towns, occupying houses assessed to a certain small amount, on the voluntary application of such corporate bodies to parliament to surrender their exclusive privileges.

"The extension of the right of suffrage to many substantial house-holders in the metropolis, the unrepresented towns, and those towns where the right of representation is at present exclusively enjoyed by a few inhabitants, would be the necessary consequence of the several transfers, and communications of the elective right proposed in the two parts of this system. The admission of copyholders to the right of voting at county elections, would form a still greater, and a perfectly unexceptionable, addition to the constituent body; for which, it is understood, that a separate Bill would be provided accordingly. Regulations also for multiplying the places of poll in the counties, for the better ascertainment of the right of voting, for reducing expense, and preventing bribery at elections, would be included as subsidiary parts of the same system."

"1. Estimate of the number of boroughs that would probably be disfranchised, and the consequent addition of members that would

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time be irresistible. He was saguine, perhaps, in saying, that, before next parliament, the benefit of this plan might be felt, and in the mean time, this objection of the plan being gradual, would be less regarded, from the confidence which the people of England had in their present representatives. They would wait with patience for the operation of this arrangement, from the confidence which they had in the truth and character of the present parliament. It was elected under circumstances which made it dear to Englishmen; it had not yet forfeited the confidence of the country; and he was warranted in presuming that, with such a House of Commons, the constituent body would not be eager for the immediate accomplishment of this reform.

He said, that in the proposed change of representation, and in adding seventy-two members to the counties, he forgot in the proper place to mention, that it was his wish to add to the number of the electors in those counties. There was no good reason why copyholders should not be admitted to the exercise of the franchise as well as freeholders. Their property was as secure, and, indeed, in some instances, more so than that of the freeholders; and such an accession to the body of electors would give an additional energy to representation. He conceived that the addition of seventy-two members would be as much as it would be proper to give to the proportion between county and borough. These seventy-two members would be divided between the counties and the metropolis, as nothing could be more evident than that the cities of London and Westminster, as well as the counties, had a very inadequate share in the representation of the kingdom. To give to the counties and the metropolis a greater addition than seventy-two members, or thereabouts, would be the means of introducing disorders into the election more injurious than even its present inadequacy.

He needed not, he believed, enumerate the arguments that presented themselves to his mind in favour of a reform. Every gentleman, who had taken pains to investigate the subject, must see that it was most materially wanted. To conquer the corruption that existed in those decayed boroughs, would be acknowledged an impossible attempt. The temptations were too great for poverty to resist, and the consequence of this corruption was so visible, that some plan of reforming the boroughs had clearly become absolutely

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be made to the larger districts and to unrepresented towns; and also the number of large towns in which the exclusive right of the corporations to elect members would be imparted to the substantial inhabitants, house-holders of the same respectively; provided Mr. Pitt's whole plan should be adopted by parliament.

	Boroughs.
"By the first part of his plan would be disfranchised, on voluntary surrender, in order to reinforce the representation of the counties and the metropolis ..	36
"By the second part, to give representatives to certain large unrepresented towns, at least	4
"It is impossible to estimate the whole future disfranchisement under this head: but there are at least four large unrepresented towns in immediate view, as fit to receive the right of representation; for which transfer, consequently, the disfranchisement of at least four boroughs would be wanted.	
"Total of disfranchised boroughs	40
"Corporations of large towns that probably would surrender their exclusive right of representation	10

	Members.
"Addition to the metropolis and the counties	72
"To unrepresented towns	8
"Representation thrown open in ten large towns	20
"Total addition of representatives to the public	100

"2. Estimate of the augmentation of the constituent body, that would be effected by the several extensions of the right of suffrage proposed by Mr. Pitt.

"Householders added in Marybone, Pancras, and other unrepresented parts of the metropolis, about....	10,000
"Unrepresented freeholders in the city of London	1,000
"Copyholders in Middlesex, including the metropolis.....	7,000
"Copyholders in other parts of the kingdom.....	65,000
"Householders in Birmingham, Manchester, Sheffield, and Leeds, independent of other unrepresented towns, to whom the right of returning members to parliament may be imparted	9,000
"Householders in Scarborough, Bury, Bath, &c.	6,500
"Unrepresented freeholders of Hullshire, probably about.....	500
"Total addition.....	99,000

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necessary. In times of calamity and distress, how truly important was it to the people of this country that the House of Commons should sympathise with themselves, and that their interests should be indissoluble? It was most material that the people should have confidence in their own branch of the legislature; the force of the constitution, as well as its beauty, depended on that confidence, and on the union and sympathy which existed between the constituent and representative. The source of our glory and the muscles of our strength were the pure character of freedom, which our constitution bore. To lessen that character, to taint it, was to take from our vitals a part of their vigour, and to lessen not only our importance, but our energy with our neighbours.

If we looked back to our history, we should find that the brightest periods of its glory and triumph were those in which the House of Commons had the most complete confidence in their ministers, and the people of England the most complete confidence in the House of Commons. The purity of representation was the only true and permanent source of such confidence: for though occasionally bright characters had arisen, who, in spite of the general corruption and depravity of the day in which they lived, had manifested the superior influence of integrity and virtue, and had forced both parliament and people to countenance their administration; yet it would be unwise for the people of England to leave their fate to the chance of such characters often arising, when prudence must dictate that the certain way of securing their properties and freedom was to purify the sources of representation, and to establish that strict relation between themselves and the House of Commons, which it was the original idea of the constitution to create. He hoped that the plan which he had mentioned was likely to re-establish such a relation; and he recommended to gentlemen not to suffer their minds to be alarmed by unnecessary fears. Nothing was so hurtful to improvement as the fear of being carried farther than the principle on which a person set out.

It was common for gentlemen to reason with themselves, and to say that they would have no objection to go so far, and no farther, if they were sure that, in countenancing the first step, they might not either be led themselves, or lead others farther than they intended to go. So much they were apt to say was right—so far they would go—of such a scheme they approved—but fearing that it might be carried too far, they desisted from doing even what they conceived to be proper. He deprecated this conduct, and hoped that gentlemen would come to the consideration of this business, without fearing that it would lead to consequences that would either ruin or alarm us. He begged pardon for having troubled the House so long—he wished to put them in possession of all his ideas on the important subject, though he was aware, that until the matter came to be argued in the detail, it was impossible for him to foresee all the objections that might be started. He should therefore conclude with moving, "That leave be given to bring in a Bill to amend the Representation of the People of England in Parliament."

Mr. *Duncombe* seconded the motion. He said, that if after the sense of the people on the subject of reform had been so clearly ascertained, the minister had not come forward and proposed some measure upon the subject, he must have expected but a small share in future of that grace and confidence at the hands of the constituent body, which was in fact a minister's best support. It was a new and interesting object, he said, to see the minister of the crown standing forth in this zealous and patriotic manner, the advocate of the people. The measure which had been proposed, fully and completely met his ideas and those of his constituents; and it answered the solicitude of the people so perfectly, that he should consider himself as highly unworthy of his situation, as one of their representatives, if he satisfied himself with a silent vote on the occasion. He paid many compliments to the author of the propositions, and said, they were what had been long and ardently desired by all the true lovers of the constitution.

Mr. *Powys* thought the question of the highest possible importance, but not on the principles of the right hon. gentleman; for it was no longer a measure proposed by any of the individuals in the House, but by the government of the country. Ministers had owned it: and the House were now to determine, whether they were to acquiesce in this ministerial effort to alter the constitution, or from respect to their own dignity, to reject that which was only conjecture for what they felt to be fact. He said, the right hon. gentle-

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man had, with his usual force of expression, pronounced a funeral oration on the constitution of his country, which, however, he celebrated as the most excellent in the world, as the envy and perfection of human wisdom, but which at the same time he consigned to a mere immortality of fame by putting an end to its present existence. Thus that form of representation which had now lasted, and operated to general and palpable advantage, and been the constant boast of Englishmen, was, notwithstanding, the object of the right hon. gentleman's jealousy and mistrust. Confidence in this very object, a sound and operative love of the constitution, had, in the best and greatest men, in the most prosperous and the purest times, produced effects which we could never forget. Zeal was, perhaps, an essential characteristic in reformers. He was willing for one to give the right hon. gentleman full credit for the earnestness and solemnity with which he had brought forward the plan of reform, about which there had been so much guess and conjecture in the dark. He knew not how to speak of the caution with which the system had been concealed. He for one would not censure that part of the right hon. gentleman's scheme. He was sure of a majority, perhaps, who were ready to adopt whatever he thought most proper to bring forward. He would be glad, however, to hear how certain gentlemen were prepared to coincide with principles which, in his opinion, they could not adopt, without, in the first place, virtually renouncing what they had already avowed. He owned himself very much at a loss to conceive how one, or any, could comply with a system calculated to operate only by slow and imperceptible degrees, who were in so much haste in the matter, as to declare repeatedly, that there was not a moment to lose: others, as it struck him, could with still less propriety adopt this plan, who were the advocates of a general reform. But now the proposal, which in its object aimed at circumscribing the influence of the Crown, originated with his Majesty's ministers, and courted the sanction of the House under a royal patent. He was not, however, for one, fond of trials which might make us worse, but could hardly make us better. He did apprehend danger from a plan thus plausible, and urged with all that eloquence and masterly address in which the right hon. gentleman had deservedly so much credit with the House. No man admired those talents which he possessed more than he did. He thought no man better qualified to do his country the most essential services than he was. But he was not prepared to say the same approbation was in all respects due to the application of his eminent abilities. He ridiculed the rage of reforming, which affected as a malady the present day. It reminded him of the ancient reformer Procrustes, who, in order to equalize the human race, had a bed of iron of a standard size, and on his reforming principle reduced persons who were too long, and stretched those who were too short to the size of the bed. But at the time he pronounced these schemes abortive; and he wished to know from the right hon. gentleman which of these he imitated, or by what other motive or principle he could be guided in hazarding the very extraordinary ideas he had pressed on the House. Had the people of England called for a reform? There were but eight petitions on the table. He did not wish to encroach on the time of the House, but he could not help begging a little of their attention to the petitions which had been presented to the House in favour of this reform. The first one to which he referred was that from Nottingham. This, with a consistency which he deemed characteristic of the business, set out with asserting their entire confidence in the House of Commons. Yet a reform in this House constituted the prayer of their petition. Their exceptions he thought singular. The expression was to him perfectly unintelligible. What did they mean by "inadequacy?" This was the only defect they pointed out in the present system of representation. But they did not say in what that system was inadequate, or specify any of those purposes in which it had failed. This very urgent petition was only clear and expressive in one general desire, and that was no less than to "model the character and genius of the nation." The next to which he called the attention of the House, was that from the city of York. But the requisition of this was not in any degree affected by what had been suggested by the right hon. gentleman. It went, in his opinion, to very different matters, though he understood it to be the work of the great and venerable leader and commander in this political crusade. He mentioned Norwich, which prayed for the general reform of the whole representative body;

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and by that means assumed to themselves the honour of representing the community at large. The conclusions which he wished to establish by those references, were, that either there were no petitions before the House which had reform for their aim, or where any such petitions of that kind existed, the reform which had been mentioned was not conformable to the spirit and tendency of the allegations which they contained. He asked how any man, who had but a tolerable good opinion of the present House of Commons, could come forward with a plan which supposed their insignificancy. He asked if the present House were ready to adopt such an act of humility and self-abasement? The right hon. gentleman's favourable opinion of the present parliament was well known. The panegyric which he had pronounced on them now, was an echo to that which they had received from the Sovereign at the commencement of the session; for all the House would recollect the passage. He did think it something extraordinary, that the rage for a reform should be chiefly directed to that very body which had been thus repeatedly praised. They were allowed to possess the confidence both of King and country, and to be guided equally by their loyalty to the crown, and their attachment to the interests of the people. He was anxious to know by what other principles than these they could be guided. Could a parliament be better than disposed, on all occasions, to do their duty with honour to themselves, and fidelity to their constituents? He was also disposed to ask, whether the borough members were more or less inclined to do their duty than others? He remembered that a noble lord, nearly related to the right hon. gentleman (lord Camelford), had once made a motion in that House which did him infinite honour; which would have done honour to the representative of the first county in the kingdom. It was, "That this House is bound to listen to the petitions of the people." This surely did not make him appear to be a man who had separate interests from them; and yet he was not, at the time he made that motion, the representative of a county, or great town; he was member for Old Sarum, one of those boroughs doomed, by the right hon. gentleman's plan, to be disfranchised. He then read extracts from a pamphlet, published by lord Camelford, in which he stated, that if any other influence in the kingdom was to be constantly shifting and changing, the influence of the Crown, which alone was permanent, would soon drive all the rest before it. He observed, that if the franchise of decayed boroughs was to be given up, the right hon. gentleman ought to set the example to the rest of the nation, by sacrificing at the shrine of reform the Ordnance, Treasury, and Admiralty boroughs. He acknowledged there had been many untoward circumstances, within our recollection, which had attended the operations of government. But he asked whether these unfortunate events might not have taken place, had the boroughs been without representatives. The fluctuation of a state so circumstanced as that of Great Britain was, did not, in his opinion, always depend on the constitution. The prosperity or advantage of it would undoubtedly vary under the best, as well as the worst. He regretted the melancholy consequences of the American war as much as any one could do; but would it be said, that war depended on the representatives of the boroughs? He presumed few, even of those most forward in the scheme of a reform, would venture to go all the lengths to which their reasoning, however, went. He did not choose to go into the detail of the scheme thus subjected to the consideration of parliament. He would not be rash in deciding on the rights of those who regarded their interest in boroughs with any degree of tenacity. But this much he would say, that no pecuniary consideration whatever should dispose him to forego the privilege and the glory of having it in his power to introduce to the service and attention of his country the right hon. gentleman. Much stress had been laid on the corruption of the times. That, he trusted, was not the language of experience. With what degree, then, of decency could the right hon. gentleman say, in the face of so popular a parliament, that the House of Commons cannot, unless reformed, convey the sense of the nation? A late administration, it might, perhaps, be said, had been an administration of corruption; and upon its ruin was raised an administion of opinion; and a good opinion unquestionably must be entertained of it, when it was known that it did not entertain or cherish any one who had been formerly an agent of corruption. [At this ironical expression there was a loud roar of Hear! hear!] This compact and

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well-informed body was calculated to do justice to all the principles of the constitution. He was aware how the principle which was thus dignified with the name of a new one, would affect the very privileges which it was intended to guard. The first object of it was to compliment the majority with the sale of the minority. On the whole, he owned great apprehensions from the first concession. It was dangerous in all cases, but particularly so in this. He implored the right hon. gentleman to think what he was about, to beware how he acted, and regard the experiment which he was now to try, with delicacy and circumspection. No man could foresee precisely its effects; they struck him as alarming in no common degree. Nothing could persuade him, even for a moment, to give the propositions he had laid down the smallest attention, except he could indulge his curiosity at such a vast and important hazard as to wish to see the scheme put to the proof. He thought in his own mind, judging of mankind as they had always appeared to him, that this boasted principle might do infinite mischief; but that there was little probability of its producing any good whatever. Innovation was to be dreaded, and avoided as much as possible in all establishments. The right hon. gentleman had laboured to satisfy the House that his system was final, and that it set bounds to the speculative reformations of all future theorists. This he said; but he did not prove it. It was, on the contrary, an example, a precedent, perhaps an excitement, to the wildest and most paradoxical nostrums they could either devise or apply. It placed them, in fact, on advantageous ground. They got by it what Archimedes wanted, a foundation to their inventions, a fulcrum from which they could throw the parliament into the air. It was impossible, in his opinion, to view the subject with any degree of patience. He thought himself as much master of it, from having only heard it stated, as if he had revolved it in his mind for years. He would not, therefore, vote for the order of the day, or treat it with any reserve or respect. Its purposes were, he foresaw, so hostile to the constitution, so menacing even at a distance, and so unqualified, that he was clearly for meeting the question in the teeth, and giving it a direct and unequivocal negative.

Lord *North* said, the hon. gentleman had given him comfort by what he had said in the conclusion of his speech, namely, that he would not agree to any concession, but would give the motion his direct negative. Undoubtedly that was the treatment the motion ought to receive, and it was the line of treatment he should himself adopt respecting it. Curiosity, he said, had, in more instances than one, greatly misled mankind, and he should have thought the hon. gentleman had given way to a most fatal curiosity, if he had rashly and unadvisedly countenanced for a moment a direct attack upon the British constitution—a constitution the work of infinite wisdom, the source of many blessings, much happiness, much glory, a constitution richly deserving of that warm praise which the right hon. gentleman had bestowed on it, in far better words than he was master of, and with a brilliancy and glow of eloquence that would have adorned the meanest subject of panegyric, but which was well employed when employed in decorating and describing the most beautiful fabric that, perhaps, had ever existed from the beginning of time. He never would give his consent to any attempt to tamper with such a fabric, unless a very strong case could be made out to prove it stood in need of some repair. That case had not yet been made out, neither had any the smallest shadow of proof been yet given that it required any assistance whatever. Of an existing evil he knew nothing; the blessings that had been derived under the constitution he knew well; they all knew them; they stood recorded in the annals of the country, they had been felt for ages, they were felt at that moment. The right hon. gentleman had talked of pride, of laziness, of timidity; perhaps, out of the abundance of his civility, he meant to apply those words to him. Was it fair, that because he happened to differ from the right hon. gentleman upon a great and an important subject, a subject in which they were all deeply and personally interested, in which the country itself and the constitution that they were all so ready to extol, were deeply interested, because he happened to differ from the right hon. gentleman upon a question of that magnitude, he was to be attacked and treated with a degree of harshness which was not, which could not be merited by any member of that assembly? Was it pride, when he was called upon to vote in support of a requisition, to be permitted to tamper with the constitution, to say, Shew me first the necessity?

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Was it laziness, when it was stated that a remedy was wanting, to insist on having the evil stated, to which that remedy is to be applied? Was it timidity, when called upon to unsettle the foundation of that glorious fabric, the work of his ancestors, to desire to pause before he consented, and to inquire why he should consent to undo it? His lordship took notice of the manner in which the Chancellor of the Exchequer had glanced at the American war. As that was not the subject of the day, and bore no sort of relation to the question then under consideration, he would not at that time go into a discussion of it; but would only repeat what he had often said before, viz. that whenever that question was properly brought forward, he was ready to meet it, conscious, that though we had been unfortunate in the war, though the war had been calamitous to the country, no blame was ascribable to him on that account; the war was the war of the people, begun at their instance, and at the instance of that House. Those were facts so undeniably true, that he wondered how any man was bold enough, in the face of those who were then sitting in the House, and knew the facts that he had stated, so well, to start a doubt of them.

Having said this, his lordship returned to the immediate subject of the day, which he treated with great severity. He said, on a former occasion, when the hon. gentleman behind him had risen to reprobate the idea of tampering with the constitution (for that was the fourth, if not the fifth time, that it had been under discussion), but when the worthy member for Northamptonshire had desired to have the Birmingham petition read, those who were friends of what they called reform, but what he should call ruin, had sent a paragraph to the newspapers, stating, that the noble lord in the blue ribbon would not have long to boast of there being no petitions, for there would soon be petitions enow on the table. How happened it that there was no petition from Birmingham now; and, in the whole, no more than eight? He understood there were none. What then was he to conclude? That they thought it a hardship to be deprived of the privilege of sending representatives to the House of Commons? No; but on the contrary, that they were indifferent about the matter; or rather, that they did not wish for any such franchise. If it was otherwise, surely this would have been the time for them to make their exertions, when they were informed that the right hon. gentleman would support their claims, "both as a man and a minister;" and when they were taught to believe that all England, with one voice, would second their application. But lo! they were totally silent on this head; and what was not a little remarkable, their silence did not proceed from any indifference about their own interest; for when they thought that affected, they soon applied to that House by petition, as in the case of the Irish propositions. It was fair to conclude, that they made themselves perfectly easy about a parliamentary reform, and were fully satisfied with the present state of representation in that House. Against the Irish propositions, petitions had flowed in from all quarters. So aware was the right hon. gentleman that the small number of petitions that had been presented, necessarily created an argument against the motion, that he had thought it prudent to endeavour to weaken the force of that argument, which he foresaw would be urged, by saying, with an indifferent air, that the reform had been called for by the people, sometimes more, and sometimes less. What was he to understand from that observation? Was he to take it as a proof that the people did really call for a reform at that time? Was he so far to accommodate what they saw, and what they did not see, and to take both as a proof that the people of England wished for a reform? The petitioners who had subscribed the petitions that were on the table, certainly did wish for a reform; and if he were to admit that those who had not petitioned equally wished for a reform, it was going a good way to meet their wishes, because in admitting so much, they spoke by their presence, and by their absence; by their prayers, and by their silence. Well might he say with the man in The Rehearsal,

> "What horrid sound of *silence* doth assail
> mine ear?"

His lordship said, the people of Birmingham were wiser than to call for any innovation in the constitution. As little did he believe the majority of the people, in any part of the kingdom, wished for a reform. A member of a considerable county (Suffolk) had in all the newspapers addressed his constituents for instructions how he should vote on the question of parliamentary reform; but though he addressed them very early in the present session, his constituents had been so very

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indifferent about the matter, that they had not to this moment sent him any instructions on the subject. He knew there had been a meeting summoned in the first city in the empire, by special notice, for the express purpose of instructing their representatives; and there he was informed, though the meeting, and the business of it, had been publicly announced, and was of general notoriety, only 300 attended. When they were about to instruct one of their representatives, he declared his readiness to obey his constituents, but expressed a wish that he had seen more of them present at the meeting, because he felt some difficulty in proceeding to act, as 300 instructed him, when, by the absence of 8,000, he was induced to imagine that they did not very highly approve of the business they were convened upon. He was aware that one gentleman present at the meeting had said, in answer to what he had just stated, that the 8,000 who were absent, meant by that very circumstance to signify their concurrence in any resolution the 300 should come to. This was rather a curious sort of logic, as he believed the House would readily agree; but it was not a whit more extraordinary than the idea, that the people of England were to be supposed to wish really for an alteration in the state of parliamentary representation, when they did not ask for it. He reminded the House of the circular letters of Mr. Wyvill, and of the great pains that had been taken to stir the question in all parts of the kingdom. If, therefore, the people in general really desired any alteration, they would have petitioned in great numbers from most of the different towns for it.

His lordship entered into the ancient history of parliaments, and stated the gradations they had passed through from their first institution, accounting for the discretion of the Crown that had been formerly exercised, by stating, that originally the chiefs, who held of the Crown, and were liable to suit and service, were summoned, and being at the time chief tenants of the Crown, were at the will of the Crown assembled either wholly or partially. Afterwards, when they divided their lands, property became more dispersed, and money grew more scarce; in consequence of which, the lesser barons were spared, on account of their inability to bear the expense of parliamentary attendance. Again, at a subsequent period, another change was made; after that another, and, by degrees, parliament was settled on its present footing, where, his lordship said, he heartily hoped it would long be suffered to remain, and not be disturbed on account of any chimeras, that entered the brains of visionaries and speculatists, who were not, he verily believed, aware of the serious mischiefs they had employed themselves about. All the idea of the necessity of a reform, he was persuaded, was the mere vapour of a dream, the shadow of a shade, empty whim and fanciful nothing, from which the right hon. gentleman was endeavouring to conjure up something: but he relied on the good sense and sound reason of the majority, trusting that they would break the spell, and prevent the magicians from practising on a subject that ought to be held sacred. But even admitting, for the sake of argument, that any alteration was actually necessary; yet he should contend, that the alteration proposed was not adapted to the feigned evil. He begged to know where there existed in Europe, or on the face of the globle, a people so happy as those who lived under the British constitution? Where was there a people so fully in possession of their rights and liberties? The fact was undeniable. What mattered it then whether the persons who sat in that House, the guardians of the public freedom, sat by virtue of having been elected for a burgage tenure, a borough, or a county? While the people's rights were secure, and their liberties safe, why was it necessary to go into a minute inquiry how they came to be secure and safe? The means were provided by our ancestors, and had been sanctioned by experience, the test of truth. The right hon. gentleman, like a quack, was desirous of having the dose swallowed, whether the patient had any disease or not, and, like a true empiric, would insist upon it that his pill was a specific, and would cure patients in all cases, and under all circumstances. The subject was too serious to be treated ludicrously; but he would just state, that the right hon. gentleman reminded him of the Mock Doctor in Moliere's farce. He said, he supposed the Speaker had either seen or read the book, and would recollect, that a man's daughter is supposed to be dumb, and he sends for a physician to cure her. The doctor comes, and soon restores the girl to the use of her tongue, which she exercises at such a rate, that the father offers him another fee to make her dumb again; when the doctor replies, "he can't

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do that, but if he pleases, he'll undertake to make him deaf.' His lordship said, it was of late become a custom to catch hold of a strong epithet, and apply it to any particular phrase that was meant to be made use of to deceive and delude the people. Thus he had heard of the spirit of liberty, the spirit of freedom, and the spirit of the constitution: what was meant by the latter, as applied at popular meetings, he knew not, nor did he believe those who used it knew themselves. For his part, he had always conceived that the spirit of the constitution was to be looked for, and found in the common law of the land, and in the practice and usage of parliament. It was enough, in his opinion, for the people to be happy and free. With regard to the idea of the country gentlemen making a considerable part of that House, it was a very just one: he was ready to admit, the bulk and weight of that House ought always to be in the hands of the country gentlemen, who were, undoubtedly, the best and most respectable objects of the confidence of the people. Their disinterestedness, their virtue, their public spirit, he admired: they were fitted by their education and their situation in life more peculiarly for members of parliament, than almost any other description of men; besides, they had the greatest stake in the country after all, and were the most deeply interested in its welfare: because, let what would happen, men of business and manufacturers could go and get their living elsewhere; but a country gentleman could not quit his native country, because he could not carry his estate away with him. But, for God's sake, had not the country gentlemen their share in the representative body at present? Was it merely the representatives of counties that were now country gentlemen? Let any man look round the House at the moment, and say whether he did not see many very respectable characters, who were country gentlemen, representatives of large boroughs. He said, the general cohesion of the several branches of the legislature was now by use so settled, so firm, and its general operations so practicable, that he must be a Quixote who would strive to change its aspect. There was a resistence which not only beneficially withstood the influence of the Crown against the people, but which even protected the people against the consequences of momentary delirium in themselves. His lordship ended with an emphatic wish, that the friends of the constitution would feel as one man, and arouse at the danger it would be put in, if the present motion were carried; he therefore hoped they should have the triumph of carrying it in the negative; for if a door were once opened to innovation and experiment, there was no knowing to what extent it might be carried. He gave the right hon. gentleman full credit for not intending, if he should prove so successful as to carry the present motion, to go any farther; but the right hon. gentleman could only answer for himself. Other ministers might make what the right hon. gentleman had done, a plea for doing something more; and again, other ministers after him, till there would be no end to innovation and experiment.

Mr. *Wilberforce* remarked, that the dread of innovation seemed so much to prevail in the minds of certain persons, that in order to avoid it, they took care to reject even any new ground of argument, and the House was now entertained with a repetition of the same observations and the same jokes which they had so often heard before on similar occasions. There was, he said, one peculiar excellence in the plan now submitted by his right hon. friend, which no attempt had been yet made to dispute, and which indeed was liable to no objection. This was, that system of gradual and progressive improvement which must proceed to rectify and meliorate the state of representation, according as those circumstances should arise on which it was intended to operate. It would also tend to diminish the progress of party and cohesion in this country, from which, he was well convinced, our greatest misfortunes arose. There were men and parties in this country, who derive most of their power and influence from those burgage tenures, against which the operations of this Bill were to be directed. By destroying them, the freedom of opinion would be restored, and party connexions in a great measure vanish: for the consequence of coalitions and parties formed on one side of the House was, that similar engagements were necessarily formed on the other; and for his part, he wished to see the time, when he could come into the House and give his vote, divested of any sentiments of attachment, which should induce him to approve of measures from his connexion with men. The objection made to this Bill from its not making provision for the reduction of

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Treasury boroughs, did not by any means apply, as no person could tell but these boroughs might be the first objects of the operations of the Bill; those boroughs had been long objects of jealousy to him; and he declared, that every merit this Bill possessed, in his opinion, would be much diminished, were not the ministerial boroughs to be of that number which were likely to come first under these regulations. He made several remarks on the effect such a system as this would have had on the Americans; and argued, that under such circumstances, the war could not have been so popular. He reasoned also with Mr. Powys on parts of his speech, and said, one of his arguments was such as no human creature ought to have urged–[hear, hear!]–What he meant was, that to desire that a known evil might continue, merely that good might come out of it, was such an argument, as in his opinion, no rational being ought to maintain. He concluded, with explaining the circumstances of the Yorkshire petition, which he declared he would not have recommended had he been consulted, thinking it totally unnecessary from the application which had been before made to parliament on the subject. The best proof that the opinion of the nation at large was for a reform, was that no petition had been presented against it.

Lord *Mulgrave* declared his hope, that the motion might either be carried unanimously, or rejected; because he thought if it were carried, and there appeared a considerable majority against it, it would lead to infinite mischief. If the majority thought with him, they would reject it, as he saw great danger in countenancing any attempt to build up a constitution on speculative propositions. He approved of the propositions better in the shape in which they stood in the motion, than in any shape that they had before been brought forward in. He entered an elaborate protest against any endeavours to new-mould the constitution.

Mr. *Fox* said, that after the many occasions on which he had expressed what his sentiments were on the subject of a reform in the representation, he should not consider himself under any great necessity of troubling the House, had there not been extraordinary circumstances attending the introduction of the present question. That he had always been a friend to the principle of this Bill, was a fact which did not require to be now repeated. Whether the means taken to effect that principle were such as were most unexceptionable, must remain for future discussion, but could not provoke his opposition to the motion. There remained ample opportunities in the stages of the Bill to examine and correct it; opportunities which in themselves would be the highest acquisition. In the review which had been taken of the question that night, means had been used to implicate the American war in the subject now under discussion, by suggesting that it was supported by the influence of burgage tenures, and that if they had been withdrawn, that war would have had a more speedy termination. He acknowledged, that it would have been in the power of the parliament to have brought that war to a period, had they considered it as an improper one; but the manner in which it must have been done, would be such, as he should little expect to hear recommended from the gentlemen on the other side of the House. When the delay of a few days in passing the supplies was represented last year as the most heinous proceeding, what would have been the enormity of stopping, not only the ordnance supply, as was the case, but all the other supplies also, as would be the case in the event mentioned by the right hon. gentleman, namely, the active interference of the House of Commons to put a period to a war? This would be a conduct worthy of a House of Commons in certain situations, and would shew them to be sensible of their due weight and importance in the scale of the constitution, and that they were not the instruments of a superior power, kept for no other purpose but to register edicts, and to perform an annual routine.

Much had been said of the merit of dissolving the cohesion of parties which existed in that House. That cohesion did exist, was a truth in which he took too much pride to think of denying, and from which this country had derived too much advantage to be an enemy to: his connexions were formed on liberal and systematic principles, and could not be dissolved by any regulations, as long as the same union in sentiment and principles continued to cement them. When an hon. gentleman said, that parties formed on one side of the House occasioned similar engagements on the other; he should have considered, that it equally applied to one as the other. But there might be some circumstances which induced that

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hon. gentleman to look forward with eagerness to the dissolution of such attachments, if they obliged him to support and defend measures in which his opinions did not correspond; if they found him to act one way and think another. Under such circumstances, it was perfectly natural that he should pant to be disengaged from such connexions, and resign the load which seemed so much to oppress him.

To that principle which, by a diminution of the members for boroughs, tended to increase the proportion of representatives for counties, he was sincerely a friend. But while he was thus explicit on the subject of his approbation, it was but just to mention, that there was another point to which he totally objected, with all the respect which he always paid to a House of Commons, and among the rest to the present House; he could perceive in it no superlative excellence, no just superiority, which could justify the suspension of the operation of this Bill. To defer for the period of six years any system of reform, however partial and inadequate, was by no means complying with the declared wishes of the majority of the electors of this country; whose voice, though by no means to be acknowledged as that to which the House of Commons must conform, when they were directed by any sudden impulse, as the opinions of a moment, should always be obeyed on points which the experience and consideration of years had taught them finally to decide upon. The people, notwithstanding all that had been said, had no peculiar obligations to this parliament, for uncommon instances of that propriety of conduct, which could warrant so implicit a reliance in it. No very flattering proofs of extraordinary attention to the rights of the people had been given by his Majesty's present ministers, in their support of that excellent measure, the Westminster scrutiny! And no very splendid testimony of their prudence in financial concerns, could be drawn from the commutation tax! This was a proceeding, the hardship of which they already felt; and there were some others now in agitation, which were not likely to turn out much more favourable. These only were the reasons the people could have for a reliance in the present parliament. He did not, however, mean to say any thing which could be construed into invective against them; he had before been accused of insulting them; he did not know that he had done so, but if heat should have led him at any time to say any thing which could have that appearance, he was exceedingly sorry for it. There was nothing in any of these circumstances which could impress them on his memory; but he had observed, that nothing he ever said in his warmest moments, had ever drawn forth so much passion and ill temper on the other side of the House as when he attempted to praise them.

The right hon. gentleman had, in this instance, receded from those opinions, which on two former occasions he seemed to maintain; and the alteration which he now made, for the purpose of a specific plan, was infinitely for the worse. It was in vain that he endeavoured to qualify the objections, which the idea of innovation raised in the minds of some, by diminishing the extent and influence of reformation. From the earliest periods of our government, the principle of innovation, but which should more properly be called amendment, was neither more nor less than the practice of the constitution. In every species of government (putting absolute monarchy out of the question, as one which ought never to take place in any country), democracy and aristocracy were always in a state of gradual improvement, when experience came to the aid of theory and speculation. In all these, the voice of the people, when deliberately and generally collected, was invariably sure to succeed. There were moments of periodical impulse and delusion, in which they should not be gratified; but when the views of a people had been formed and determined on the attainment of any object, they must ultimately succeed. On this subject the people of this country had petitioned from time to time, and their applications were made to their parliament. For every reason, therefore, they should be gratified, lest they might be inclined to sue for redress in another quarter, where their application would have every probability of success, from the experience of last year. Failing in their representatives, they might have recourse to prerogative.

It had been urged, that now, while this business was in agitation, the people of Birmingham and Manchester had not petitioned to be represented. This was an argument which at this time, of all others, could have but little weight; for while they were alarmed for their trade and their subsistence, it was no time for them

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to set about making improvements in that constitution, in which they were not certain how long they might have any share. On the eve of emigration, they were to look for this in another country, to which their property and business were soon to be transferred. The different parts of this plan would certainly, in a committee, be submitted to modification and amendment; but as it now stood, admitting only the first principle, every other part, and the means taken to attain the principle, were highly objectionable. He should not hesitate to declare, that he would never agree to admit the purchasing from a majority of electors the property of the whole. In this he saw so much injustice, and so much repugnance to the true spirit of our constitution, that he could not entertain the idea for one moment. On the other hand, when the property of a borough was in one man, there was no chance of his disposing of it, on the terms this day mentioned. For when a particular sum was laid down for a particular purchaser, and interest suffered to accumulate on that sum, the man must be a fool, who could be in haste to get possession of it. There was something injurious in holding out pecuniary temptations to an Englishman to relinquish his franchise on the one hand, and a political principle which equally forbad it on another. He was uniformly of an opinion, which, though not a popular one, he was ready to aver, that the right of governing was not property, but a trust; and that whatever was given for constitutional purposes, should be resumed, when those purposes should no longer be carried into effect.

There were instances of gentlemen offering to sacrifice the interest they might have in boroughs, to the public good. He expressed, however, his surprise that the present proposition was not attended by any liberal offers from those whom government had loaded with honours, and whose connexion with the present administration should naturally excite an expectation of something more liberal than a procedure by mere bargain and sale. He was averse to the idea of confining parliamentary situations to men of large fortunes, or those who had distinguished themselves in public professions. Should this be the case, there was scarcely any man so little acquainted with the history of parliament, as not to know, that the House would lose half its force. It was not from men of large and easy fortunes, that attention, vigilance, energy, and enterprize, were to be expected. Human nature was too fond of gratification, not to be somewhat attentive to it when the means were at hand; and the best and most meritorious public services had always been performed by persons in circumstances removed from opulence. The right hon. gentleman need not be ashamed to take some of those regulations formed in the time of the Protector Oliver Cromwell. For though a character too odious ever to be the object of praise or imitation, his statutes, confirmed afterwards by his successor, Charles 2, bear strong marks of genius and ability; for his political disposition was as good as that of his successor, and his genius infinitely more powerful. He concluded with earnestly entreating all sides of the House to concur in the question now before them. He was sorry the hon. gentleman who spoke before him did not, in all the warmth he professed on the occasion, take the most conciliatory mode of acquiring strength to it. Instead of reproaching the noble lord (North) for confining himself to old arguments and observations, he should rather tremble for the success with which these old observations had been applied by his noble friend, and the contrary fate which had before attended the novel and more variable style of the minister.

Mr. *Dundas* thought it his duty to state some of those reasons to the House which induced him to declare himself a sincere friend to this question. [A hearty laugh.] He was not at a loss, he said, to account for the merriment which gentlemen seemed to indulge in; but in his declaring himself a friend to the measure, he wished to be understood as supporting a specific proposal. He had objected only to those general and unexplained schemes under which the House was to be converted into a project-shop, and to hold committees of consultation on the diseases of the constitution. Against such dark ideas he had always set himself; but to the present plan, which was a single and complete act, which went not only to an immediate, but to a constant reform of the representation, which would not only cure the present, but the radical defects in the fabric of representation, he was inclined to give his most hearty support; and he repeated his declaration, that he was sorry that any thing had been introduced into the debate so totally abstracted from the business as the question of the American war. The American war was the war of the people;

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and on that occasion it was not the construction of the parliament which gave it rise, but the general feeling of the people, and which was declared through their representatives. It was not the noble lord in the blue ribbon who was the author of that war; he did no more than execute the ideas of the people, and in his mind, if he was blameable in any thing, it was for executing those ideas with less ardour than they were expressed. He said the present propositions were free from all the objections which had lain against the former plans. The sacred inheritance of property was not to be violated, and men were not to be outraged by peremptory conditions. No man, or set of men, were to be forced to enter into the scheme, unless they approved of the conditions; and yet such were the conditions, that he had no doubt but they would be soon accepted.

Mr. *Burke*, after entertaining the House for a considerable time on Mr. Dundas's conversion from the principles of anti-reformation, proceeded to discuss the merits of the present question, as well as the manner of bringing it in. It offered one alternative, either to adopt this limited, confined plan of reform, or be perhaps liable to receive one from the duke of Richmond, on a more enlarged scale. Between the minister and the House of Commons, there was the same species of conduct, as if a robber should enter the house of a man, and say, "Let me take away such things as I please, and I shall lock the door, and keep out any other thieves: but if you refuse the offer, then take your chance of losing all." The doctrine which had gained so much ground, and in conformity to which this plan had now been introduced, was that of universal representation. But this measure was only an illusion, from which no solid benefit would ever result. The influence of the country gentlemen in parliament was always known to preponderate, when they were united in opinion. The respectability which attended a man of landed property, called for the most part into a situation which was in itself disagreeable, was rather a situation of duty and constraint, than an object of ambition. These circumstances added so much to the importance of these members, that the advocates of every measure were glad to boast of them as their supporters. Where, then, was the prudence of throwing into that scale, in whose power the balance already was, that share of power which was pretended to be the means of keeping all parts of the House on the same level. Mr. Burke took a very extensive view of the present state of representation, and asked if the proprietors of boroughs had not been already sufficiently paid in the profusion of the honours of this country, without now opening the purse of the nation. He particularly adverted to the conduct of a reverend gentleman (Mr. Wyvill.) He took particular notice of the variety and extent of his correspondence, which he said was not confined to the Chancellor of the Exchequer, or to the volunteers of Ireland. Lord Shelburne and Mr. Macgrugar had not been forgotten; and other celebrated names had been handed down to posterity by this reforming divine. After reading several extracts from this correspondence, he proceeded to remark, that the right hon. gentleman who had formerly submitted to the House two plans for a more equal representation of the people, each of which was perfection itself, now came forward with a third, still more perfect than either of the former. He would allow that the present plan had many more palliatives in its composition than either of its brethren, for its operation was not likely to affect any of the members of the present parliament; and he could not sufficiently admire the address of the right hon. gentleman, in thus rendering his plan palatable to all parties. For his part, he considered the whole of it as mere delusion, an *ignis fatuus*, calculated to mislead and to bewilder. He insisted that the right hon. gentleman had abandoned the ground on which he originally took up this question.

Lord *F. Campbell* declared he could, by no means, consent to countenance any alteration in the constitution. The door once opened for innovation and experiment, the wisest among them could not say where it would end.

Mr. *Rolle* was also decidedly against the motion. If it was suffered to pass that House, there was no security for its being thrown out in the other House; for how could he tell but a new lord, or a new set, might be made on purpose to carry it, if it went up there? There were, Mr. Rolle said, some persons sitting in a certain place, who had no more right to sit in that House than his groom.

The *Attorney General* supported the motion, entering into a recapitulation of several of Mr. Pitt's arguments, and an-

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swering several things that had been said on the other side the question. In the course of his speech, he said there might be persons impudent and indecent enough to declare, that he had no more right to sit in that House than their groom.

Mr. *Young* observed, that had he been in a situation to attract the Speaker's notice in an earlier stage of the debate, he should probably have, in some degree, expatiated on the very wide field which the right hon. gentleman had opened to the House: that now much of his work had been done, much he should have urged had been anticipated, and much he should pass over from a sense that the patience of the House had been exhausted. That among his former inducements for offering himself to the notice of the House was, that not having had a seat in parliament when the Chancellor of the Exchequer brought forward his former propositions, it suited best with the temper of his mind in the first stage of this important business to take an open and decisive part; nor could he esteem the part he took premature, inasmuch as every man of liberal education must, in a great degree, be not only competent to the question, but must have turned his thoughts to the subject, and have grounded thereon a decisive opinion. That he was more particularly induced to rise at the present moment from the learned gentleman who spoke last having taken up anew what had fallen from the Chancellor of the Exchequer at the opening of the debate, and who, as in feeling himself on the strongest ground of argument, had repeated—"Who, if legislating anew for this country, would form this House as existing in its present system of representation?" That it rather should be asked, who could have imagined and framed such a constitution? The work not merely of time, as had been stated, but of the most extraordinary series of events, and which could be laid to no account but that of a special Providence. Nor was the question without personal application, more modern allusions apart. It had been agitated by the greatest political historian of antiquity; that great and wise writer, Tacitus, doing as the right hon. gentleman had done, remounting to first principles, and tracing thence the abstract theories of the regal, aristocratic, and democratic branches of government, adduced, as the result of his researches, this remarkable sentence—"Cunctas nationes aut reges, aut primores, aut populus regunt, dilecta ex his et consociata Reipublicæ forma laudari facilius quam evenire, aut si eveniat, non diuturna esse potest." That learned and penetrating historian could not presume the duration of a commonwealth consisting of these mixed states; he knew that the *momentum* of the democracy, whether acting by the body of the people, or by a representation unqualified and adapted purely to popular ideas, must quickly bear down one or both of the other branches of government; and had it been moreover told him, that in this pure and direct representation of the numbers of the people were to originate the resources of war and peace, the *primum mobile* of public revenue, the doubts of Tacitus would not have been hypothetical; such a state, he could not have pre-conceived to exist a moment. This was not a time of night to trace those errors back to their source, and in a history from the courts *de more*, through the progression of parliamentary growth, to mark the grounds of mistake; that he should, therefore, join issue with the right hon. mover on the actual and existing state of parliament. The errors of the right hon. gentleman were derived from a similar source with the difficulties of Tacitus: the representation of the people was his favourite expression; but if he meant a representation of poll or numbers, and so every point of his reform implied, he said, we were not the representation of the people, but of the people's interests. The consistency of that House was qualified by the equipoise of the landed, the commercial, and the popular interest. This proportion of balance could not be shifted but with danger to the constitution of the country; adding to one of these principles might, in the end, be subversive of the very existence of that House, which, loaded with a new and false bias, might be thereby directed to some gulph of ruin now unforeseen. That at this point of the argument he must take occasion to answer the Attorney-general, when he asked, "Is there a man in this House, who, fairly and in his conscience, rejects the principle of adding to the county members?" The answer was, "I do, and I do in fear that some spirit may be infused into this body, not congenial therewith, and which may affect the vitals and corrode the very main spring that regulates its motion; and I do, from other motives, and motives which, if well founded, deserve the most serious at-

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tention of this House." Much has been said of the cohesion of parties, much on the other side of individual independency, and of mouldering away every connexion of men in that House: in the present state of public manners it was not to be apprehended, that to buy or to retain would lapse into disusage, or that a minister might not engage a consistency of support to his measures. The right hon. gentleman might anticipate, perhaps, the application of the famous sentence in Montesquieu,—"But was there no other corruption but venality?" He feared a worse, and of more fatal tendency, than the holding out merely places of public trust to men of ability and adventurers in policy, were these county members to be added. In one light, they must be men who had come into that House on the great landed interest of a county; and in a county, perhaps, there was as much undue influence as at an election for any borough: when seated there, some future minister might find it necessary to attach an authority to his support, become thus numerous and weighty; the coronet was his only bribe, his only attraction to men of this description; and an attraction, as experience proved, not often resisted. Thus, perhaps, in a short succession of ministers, much more of the great landed interest would pass into the House of Lords, there ever accumulating, and rarely or never returning. The consequence was obvious; the great landed interest the people would ever look up to in their counties, and in the national councils; to them would their confidence be directed, to them their petitions addressed, and under all the circumstances it were idle to say, that the revenue and money bills should not then originate there; whilst that House, fallen into disrepute, and even to derision, might sit idly disputing about unimportant matters, or matters they had scarcely weight to interfere in, and idly attended by 40 members, instead of the very numerous assembly that dignified the present question.—On the call of additional county members, other, and as dangerous, circumstances might arise, from causes widely different and of different tendency. He alluded to the adventurous candidates, who opposed the aristocracy of a county, and who, to secure an election, might feed the prejudices of the commonalty, might sign tests, and pledging themselves to every self-injurious prepossession, might find their way into that House under engagements, and with abilities too, backed by the popular clamour to urge new claims, new reforms, fresh innovations. The right hon. gentleman had adduced, as favourable to his reform, that its principle was completed in his plan, and was thus final: the right hon. gentleman might answer for himself, but who would say, that a new man should not propose a new mode; and having cut down the prescriptive barrier of the constitution of that House, would he not leave a breach open for every forlorn hope, *qui crumenam perdidit*, to enter and rifle at pleasure? And the more was this to be feared, as prejudices of the people might join too under the precedent to aid those who, by such ruinous means, would seek to push him from his stool; for it could not be said that the present plan came up to the present declarations of the reformers. The Chancellor of the Exchequer had said, that leaving the constitution in its present state, was tending to weaken the love of the people to their country; a more proper application might be made of those words—to innovate is tending to weaken the love of the people to their country; it was tending to weaken that confidence in that House, in a word, that attachment to the old British constitution, which arose from a prescriptive veneration, and which could not belong to a new system. Much of patriotism, and its most essential force, was founded on habitual regard, and local and long prepossessions; these were what gave a force of character, even to those who lived in, and were prejudiced to countries, whether under the physical disadvantages, as the Laplander, or under political, as France, when compared with our clime and constitution.—He closed with observing on an expression of Mr. Powys, tending to give the idea, that the business was brought forward by government, and as a ministerial measure. He could not look upon it in that light; he had supported, and should continue to support that administration, from a just sense of the abilities, and a full confidence in the integrity of the minister; an integrity which, even in the speech which he reprobated, gave a more beauteous glow and colour to the very luminous display with which the right hon. gentleman had ornamented his subject; but that, if on a question, so touching the dearest and most important interest of every Englishman, he could surrender his conviction even to the tendered influence

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of the right hon. gentleman's dearest partiality, or most honourable friendship, he should esteem himself not only unworthy to sit in that House, but in the company of any honourable and good man.

Mr. *Bankes* praised Mr. Pitt, and acknowledged himself a thorough friend to reform; but he said he must reprobate the motion before the House, as it carried a degree of absurdity on the face of it. It declared that the right of voting in those boroughs was not a property to be used in the way of traffic, and yet at the same time a sum was allotted for the purchase of them, thereby suffering those very people to make a property which never was intended for them to have.

Mr. *Pitt* concluded the debate, by taking notice of what fell from his hon. friend (Mr. Bankes), which he confessed hurt him more than had it fallen from any other person: he allowed it was a tender part; but, at the same time it had become a necessary evil, if any reform was to take place.

At a quarter before four in the morning, the House divided on Mr. Pitt's motion.

Tellers.

YEAS	Mr. Eliot Mr. Robert Smith	174
NOES	Mr. Eden Mr. North	248

So it passed in the negative.

A List of those Members who voted with the right hon. William Pitt, on the above Motion for a Parliamentary Reform.

William Charles Sloper, *St. Albans.*
Richard Pepper Arden, *Aldborough.*
Nicholas Bayley, *Anglesea.*
Richard Penn, *Appleby.*
Richard Beckford, *Arundel.*
William Wrightson, *Aylesbury.*
Hon. John Jefferies Pratt, *Bath.*
Samuel Whitbread, *Bedford.*
William Colhoun, *ditto.*
Lord Delaval, *Berwick.*
Sir Christopher Sykes, bart. *Beverley.*
John Nicholls, *Blechingly.*
Charles Morgan, *Brecon.*
Isaac Hawkins Browne, *Bridgenorth.*
Alexander Hood, *Bridgewater.*
Charles Sturt, *Bridport.*
Henry Cruger, *Bristol.*
John Aubrey, *Buckinghamshire.*
John Call, *Callington.*
Paul Orchard, *ditto.*
Right hon. Isaac Barré, *Calne.*
Sir Henry Peyton, bart. *Cambridgeshire.*
Earl of Euston, *Cambridge University.*
Right hon. William Pitt, *ditto.*
James Warwood Adeane, *Cambridge.*
George Gipps, *Canterbury.*
Charles Robinson, *ditto.*
Earl of Surrey, *Carlisle.*
John Parry, *Caernarvonshire.*
Thomas Steel, *Chichester.*
George White Thomas, *ditto.*
Lord Apsley, *Cirencester.*
John Lee, *Clitheroe.*
John Lowther, *Cockermouth.*
Sir William Lemon, *Cornwall.*
J. W. Hencage, *Cricklade.*
Robert Nicholas, *ditto.*
William Lowther, *Cumberland.*
Edward Miller Mundy, *Derbyshire.*
Francis John Browne, *Dorsetshire.*
Robert Preston, *Dover.*
Hon. James Luttrell, *ditto.*
Sir Charles Davers, bart. *St. Edmondsbury.*
John Bullock, *Essex.*
Sir John Rushout, bart. *Evesham.*
Charles William Boughton Rous.
Peter Bathurst, *Eye.*
John Grant, *Fowey.*
Lord Newhaven, *Gatton.*
John James Hamilton, *St. Germains.*
John Baynes Garforth, *Haslemere.*
Thomas Postlethwaite, *ditto.*
John Dawes, *Hastings.*
Lord Milford, *Haverford-west.*
John Scudamore, *Hereford.*
William Plumer, *Hertfordshire.*
Edward Bearcroft, *Hindon.*
Sir George Yonge, bart. *Honiton.*
Sir George Collier, *ditto.*
Earl Ludlow, *Huntingdonshire.*
Benjamin Bond Hopkins, *Ilchester.*
William Middleton, *Ipswich.*
Charles Alexander Cricket, *ditto.*
Hon. Charles Marsham, *Kent.*
Filmer Honeywood, *ditto.*
Samuel Thornton, *Kingston-upon-Hull.*
Walter Spencer Stanhope, *ditto.*
James Hare, *Knaresborough.*
Abraham Rawlinson, *Lancaster.*
Lord Arden, *Launceston.*
John Peach Hungerford, *Leicestershire.*
John Macnamara, *Leicester.*
Charles Loraine Smith, *ditto.*
John Hunter, *Leominster.*
Hon. John Elliot, *Leskeard.*
John Thomas Ellis, *Lestwithiel.*
Thomas Kemp, *Lewes.*
Brook Watson, *London.*
Sir Watkin Lewes, *ditto.*
Nathaniel Newnham, *ditto.*
John Sawbridge, *ditto.*
Richard Payne Knight, *Ludlow.*
Clement Taylor, *Maidstone.*
Gerard Noel Edwards, *ditto.*
Lord Waltham, *Malden.*
Lord viscount Maitland, *Malmsbury.*
Sir Thomas Rich, bart. *Marlow.*
Christopher Hawkins, *St. Michael.*
Evan Lloyd Vaughan, *Merionethshire.*
John Wilkes, *Middlesex.*
William Mainwaring, *ditto.*

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Lord Muncaster, *Milbourne Port.*
John Morgan, *Monmouthshire.*
John Sutton, *Newark.*
Archibald Macdonald, *Newcastle-under-Line.*
Charles Brandling, *Newcastle-upon-Tyne.*
John Barrington, *Newton.*
Sir Edward Astley, bart. *Norfolk.*
Henry Pierse, *Northallerton.*
Sir James Langham, bart. *Northamptonshire.*
Lord Compton, *Northampton.*
Charles Meadows, *Nottinghamshire.*
John Luxmore, *Oakhampton.*
Lord Robert Spencer, *Oxford.*
Sir William Dolben, *Oxford University.*
John Macbride, *Plymouth.*
John Smyth, *Pontefract.*
John Burgoyne, *Preston.*
George Bowyer, *Queensborough.*
John Aldridge, *ditto.*
Earl of Inchiquin, *Richmond.*
Charles Dundas, *ditto.*
Sir Charles Middleton, bart. *Rochester.*
Nathaniel Smith, *ditto.*
George Bridges Brudenell, *Rutlandshire.*
William Billingham, *Ryegate.*
Sir Richard Hill, bart. *Salop.*
Hon. John Villiers, *Old Sarum.*
George Hardinge, *ditto.*
Earl Tyrconnel, *Scarborough.*
Sir John Henderson, bart. *Seaford.*
Hans Winrop Mortimer, *Shaftesbury.*
Sir Cecil Bishop, bart. *Shoreham.*
John Hill, *Shrewsbury.*
Edward Phelips, jun. *Somersetshire.*
James Amyatt, *Southampton.*
Henry Thornton, *Southwark.*
Paul Le Mesurier, *ditto.*
Richard Brinsley Sheridan, *Stafford.*
Henry Cecil, *Stamford.*
Sir John Honeywood, bart. *Steyning.*
James Gordon, *Stockbridge.*
William Smith, *Sudbury.*
John Langston, *ditto.*
Joshua Grigby, *Suffolk.*
Sir Joseph Mawbey, bart. *Surrey.*
Hon. William Norton, *ditto.*
Lord Henry Lenox, *Sussex.*
Richard Fitzpatrick, *Tavistock.*
Alexander Popham, *Taunton.*
James Martin, *Tewkesbury.*
Sir Philip Jennyngs Clerke, bart. *Totness.*
Sir Lloyd Kenyon, bart. *Tregony.*
Robert Kingsmill, *ditto.*
Thomas Aubrey, *Wallingford.*
Lord Hood, *Westminster.*
Charles James Fox, *ditto.*
Sir Michael Le Fleming, bart. *Westmoreland.*
Viscount Mahon, *Chipping-Wycombe.*
Sir John Jervis, K. B. *Yarmouth.*
Henry Beaufoy, *ditto.*
Henry Duncombe, *Yorkshire.*
William Wilberforce, *ditto.*
Viscount Galway, *York.*
Richard Slater Milnes, *ditto.*
Alexander Garden, *Aberdeenshire.*
Hugh Montgomerie, *Airshire.*
Patrick Home, *Berwickshire.*
James Campbell, *Culross, &c.*
Ilay Campbell, *Dumbarton, &c.*
Sir Robert Laurie, bart. *Dumfriesshire.*
Sir James Johnston, bart. *Dumfries, &c.*
Right hon. Henry Dundas, *Edinburghshire.*
Sir Adam Ferguson, bart. *Edinburgh.*
Hugh Dalrymple, jun. *Haddingtonshire.*
Sir Charles Preston, bart. *Kinghorn, &c.*
Sir James Steuart Denham, bart. *Lanerkshire.*
Thomas Dundas, *Orkney and Zetlandshire.*
Hon. James Murray, *Perthshire.*
William Mac Dowall, *Renfrewshire.*
John Moore, *Selkirk, &c.*
Sir Thomas Dundas, bart. *Stirlingshire.*
William Dalrymple, *Stranraver, &c.*
William Wemys, *Sutherlandshire.*

Tellers.

Robert Smith, *Nottingham.*
Hon. E. J. Eliot, *Leskeard.*

Paired off.

Daniel Pulteney, *Bramber.*
Robert Waller, *Chipping-Wycombe.*
J. Pollexfen Bastard, *Devonshire.*
Arthur Holdsworth, *Dartmouth.*
John Sinclair, *Lestwithiel.*
John Fenton Cawthorne, *Lincoln.*
Sir Harboard Harboard, *Norwich.*
John Stephenson, *Plympton.*
Hon. Edward Norton, *Carlisle.*
Abel Smith, *St. Germaines.*
Sir John Rous, *Suffolk.*
Samuel Smith, *Worcester.*
Gabriel Steward, *Weymouth.*
William Lygon, *Worcestershire.*

Debate in the Commons on the Repeal of the Cotton Tax.] April 20. The order of the day being read, for the House to resolve itself into a committee on the petitions against the tax of last year on cottons, cotton stuffs, &c. the Speaker left the chair, and Mr. Gilbert took his seat at the table.

Mr. *Pitt* said, that it would be necessary for him to make a few observations on the subject before the committee, in order to explain his motives for the decision which he would recommend them to adopt. He wished, first, to call their attention to some circumstances, that had attended the original introduction of this tax. The cotton manufacture had been found to have been for a considerable time in an increasing state, and this under the remarkable circumstance of the first cost on the raw material having considerably risen in its price: hence it naturally appeared to be a proper object of taxation, without any danger of a material injury to the trade, either with regard to home consumption or exportation. The first consideration of course was how to impose this tax; at one time it was sug-

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gested to lay it on the raw material; at another time on the machinery of the manufacture. In the course of the searches which the board of Treasury made, for information on this subject, they received from the different classes of the manufacturers, different objections to each mode proposed; and at length, the persons concerned in the trade deputed some of their own members to negociate their interests with administration: after several conferences with these delegates, during which various of their objections were conceded to, the present mode was, with their acquiescence, adopted; and in the choice of this mode, the board of Treasury certainly could have no just reason to apprehend any complaint against them; because not only a tax of a similar nature, and collected in the same manner, had been, so long ago as the reign of queen Anne, laid upon another branch of the cotton manufacture, which identical branch, so far from suffering any diminution from thence, had since arrived to a great degree of importance. It appeared, afterwards, that the manufacturers took exceptions to the conduct of their deputies in this business, withdrew their substitution and authority, and made new objections. Those objections were not however, in the opinion of the board of Treasury, sufficient to substantiate the alleged impropriety of the measure. They principally turned on apprehensions of the trade being totally ruined; more in consequence of the inconvenience likely to arise from the mode of imposition, than from the amount of the tax; but he believed the principal source of discontent was, in the unwillingness all men had to pay taxes of any kind. If no other taxes were to be imposed but such as all men agreed to, our resources might fairly be said to be at an end. The measure was accordingly finally decided on by the board of Treasury, and afterwards passed into a law.

The complaints of the manufacturers had not yet subsided, and they had now applied to parliament for a repeal of that tax; urging in their petitions, the most violent apprehensions of a total extinction of the manufacture, should it continue. There had been a very long and elaborate series of arguments offered to the committee by the counsel for the petitioners, and a vast field of evidence gone into for the purpose of supporting the allegations on which their claim to the attention of parliament was grounded; but he must acknowledge, that all the ingenuity and zeal which had been displayed on the occasion, had not brought home to his mind a conviction of the impolicy or hardship of the tax complained of. It certainly must have struck every member of the committee, that although the allegations of the petitions themselves were sufficiently far-fetched and extensive, yet that the evidence in aid of them was out of all measure exaggerated and uncandid. There was scarcely a single stage of the examination, or a single point of the inquiry, on which there was not an evident desire in the witnesses to deceive the House. It had been laid down as a doctrine, that no manufacturer whatever ought to be made subject to taxation: this was a principle which he was ready in some degree to admit, but by no means in a latitude equal to that in which it was endeavoured to be established. Manufactures in general ought to be free from taxes, lest otherwise they should be so far depressed, as either to endanger their exportation, or diminish their home consumption. The drawbacks in this instance prevented the former of these misfortunes, and from the evidence produced, it clearly appeared that the latter had not yet taken place. In his opinion, what ought principally to be avoided in the practice of this doctrine was, the taxing of articles which generally run through manufactures, or of commodities which, in their consumption, were confined to few, because in one case the tax might, and the other necessarily must fall heavy on the individual; but here there was no such principle, the consumption of each sex was so general, that the tax might rather be considered as a personal tax on the consumer, than as a tax on the consumption. Their next object to establish was, that the tax in question was almost totally unproductive, in proportion to the necessary expenses of collection. They had for this purpose stated the amount only at 10,000*l.*; this he was ready to assert was not a true calculation: to prove it, the committee had only to turn their attention to the general state of the manufacture, and to the proportion the tax bore to the quantity of the commodity; one penny on the square yard. From hence it would appear, that two millions of yards, would very nearly produce the sum alleged to be the amount of the whole tax; but it was notorious, that the quantity of the commodity exceeded that which he had mentioned in at least a

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treble proportion. He said there were 80,000 persons in the manufacture; the men at a weekly hire of 8*s*. the women and children at 4*s*.: the very wages of these persons would amount to more than what the manufacturers had stated the tax to produce. The quantity of raw cotton annually imported was about ten millions of pounds, of which it was computed, that one million and a half was employed in various miscellaneous articles; part, for instance, in stockings and other such matters not concerned in the present question, and part to be estimated as waste; five millions were employed in the printing business, and therefore three millions and a half remained for the fustians and plain cottons, to which his present argument was confined. Now, of those manufactures, it appeared, that, on an average, one pound would make three yards, because there were to be included in the calculation mixed stuffs, which took a much less quantity, as well as entire fustians, which in some instances might take more. This would sufficiently establish his assertion, that the amount of the tax, as stated by the petitioners, bore no proportion to the truth, as it was thus evident, that the quantity of the commodity manufactured was such as must of necessity produce a sum almost beyond bounds greater than that stated.

Another objection had been taken by the petitioners, on the ground of the difficulty and deductions attending the drawbacks on exportation; and here they had given themselves a latitude that, perhaps, was in some measure excusable, on a subject which so nearly concerned any of the commercial interests of the nation; they had drawn into the question the consideration of the resolutions, then depending before the House, relative to the Irish commerce. Indeed, those Irish resolutions seemed to have an extraordinarily comprehensive quality; they were endued with a sort of ambiguity, for they had been found to apply to cases infinitely more remote from them than the present. A right hon. gentleman, for instance, (Mr. Fox) had thought them extremely useful in affording an illustration of his arguments relative to the representation of the people of England in parliament. Had he therefore felt any surprise at the cotton manufacturers extending them to their own case, it would have entirely subsided on his finding what an infinitely greater degree of extension they were capable of. The objections, however, on this ground were, as far as they went, of much greater importance than that which he had already considered; but still they were such as, by a different regulation in the mode of obtaining the drawback, might be obviated. The next complaint was, that the mode of collection was such as necessarily subjected the manufacture to an inconvenience of a magnitude infinitely disproportioned to the sum raised for the public: this, he admitted, was a strong ground of objection, if true in the latitude in which it had been stated; but here he observed, that the petitioners had acknowledged themselves to be very much mistaken in their original opinion; for the inconveniences which they had complained of in their petition, and supported by their evidence, were by no comparison equal to what they had before stated in their memorials to the board of Treasury, as the certain result of the measure, nor to that which they had endeavoured to impress the House would hereafter arise from its continuance. However, the principle of the objection was in itself so strong, that if it could be found to apply in almost any degree, it would be nearly insurmountable; there certainly might be one adopted which would reduce the inconvenience complained of to the delay of a single day, which certainly could not have any great effect in a process which would necessarily require several weeks from the receipt of the order to accomplish.

Another objection, if it could not be removed, he admitted, would be perfectly unanswerable. This was, that the excise stamp was of such a nature, that in the subsequent progress of the manufacture it was often unavoidably obliterated, and in consequence the owner subjected to a repetition of the payment, and frequently to a penalty. He was fully satisfied that there was a composition invented which would leave an indelible mark, and consequently obviate this complaint. Thus, he said, he flattered himself, that he had made it appear to the committee that all the objections to the tax were either such as at present had no existence, at least not in the degree stated by the petitioners; or else by future regulations might be overturned. But there was another point of view in which he considered the question, one which he would willingly run the risk of laying before the committee, though he was aware that it would be taken up as a handle against him; it was,

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however, founded in a principle so strongly impressed on his feelings, that no consideration whatever should induce him to abandon it; not the fear of being again misrepresented, calumniated, and vilified, as he had already often been, and as he supposed he should often be again; nor even the fear of giving his opponents a temporary triumph—but a triumph which, he flattered himself, would ultimately return to him, when it was properly weighed and investigated. He thanked God that the situation of the country, and the state of the public finances, were not such as to suffer that gloomy despondency which so many persons were industrious to spread abroad, to reach him; he had looked into them with a jealous scrutiny, and found that they were so flourishing and so promising as to render the addition of the sum derived by this tax, were it even much greater than it was, an object inconsiderable, when put in competition with the principle by which he proposed to govern his conduct on the present question. The ease and prosperity of trade and manufacture were objects which no man in that House should ever overlook; but there was another object of high importance, and almost equally entitled to their regard, and this was the spirit of commerce. That this spirit had been excited against the tax was too obvious from the abilities which had been exercised for that purpose, and from the pertinacity with which the manufacturers had pursued its repeal. The opinions, however originating, however infused, or however founded, of so large, so useful, and so respectable a body of men as the cotton manufacturers; nay, even their prejudices and errors were to him objects of such serious consideration, that he would not put his own sentiments in competition with them, when the point in question was such as could with any safety be given up: if our situation were such as to render the produce of the tax an important object, perhaps he should not be so complying; but the addition of 30, or even 50,000*l.* was not, in the present state of the revenue, to be looked on as so indispensable, as not to give way to the very desirable purpose of quieting the minds of a large body of people, who contributed by their labour so great a portion of the national strength, and on whose satisfaction the public tranquillity so much depended. He was therefore extremely willing to concede his own conviction to the wishes of so many thousands of his countrymen; and besides the pleasure he should always feel at thus gratifying so valuable a body of men, he was happy to have it in his power by this concession to give a pledge to the people, that his hopes of being able to create a sinking fund, over and above the necessary demands of the public establishments, by which the national debt would, in time of peace, be in a very considerable degree diminished, were such as not to render him tenacious of any particular tax. In what he had said in the course of his argument, he desired to be understood as not applying to the tax on printed goods; the objections to that, he said, had not been by any means supported; nor were they such as came within the scope of the subject: for the complaint was not on the *quantum*, but on the mode of the tax. Now this complaint could by no means lie against his tax on the printed goods, because that being only an additional tax, could be liable to no objection, except on the account of its size, the mode of collection having been already found not exceptionable, during a long course of usage, and under which the manufacture had very greatly flourished and increased. He should therefore move, "That it is the opinion of this committee, that leave be given to bring in a Bill to explain and amend an Act passed in the 24th year of the reign of his present Majesty, for imposing a duty by excise on certain cotton manufactures, and to repeal so much of the said Bill as imposed a duty on plain cottons and fustians."

Mr. *Fox* rose, he said, with great satisfaction to second the motion, concurring as he did completely in the result of the right hon. gentleman's argument. He thought it highly necessary to declare, that he voted for the motion on a very different ground from that stated by the right hon. gentleman in the commencement of his speech. He acceded to the motion, not because he thought the manufacturers of Manchester had either exaggerated facts, or failed in making out their case, but because they had so far made out their case as to satisfy his mind, that the allegations stated in their petition had been completely proved at the bar of the House; and if the right hon. gentleman would give himself the trouble to recollect the evidence he had heard, and would ground such fair and just computations upon the price of labour, and

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upon the amount of the money paid by the manufacturers for duty, as each warranted, he believed he would find himself a good deal mistaken in the computations that he had made, and that the revenue to be given up and abandoned, was by no means so large as he had imagined, nor, in fact, larger than the sum the manufacturers themselves had stated it to be in evidence. Mr. Fox declared the calculations of Mr. Pitt to be erroneous, and stated in what he disagreed with him. He had not a doubt that the manufacturers were strictly warranted in every thing they had alleged in their petition, and asserted in evidence; and that the revenue to be relinquished was certainly a trifle, compared with the injury and embarrassment so capital a manufactory would have sustained, had it not been taken off. He desired not to be ranked in the number of those who held that manufactures, as manufactures, were improper objects of taxation; he never had, nor entertained such an opinion: on the contrary, he held that articles of manufacture were in many cases a fair and just object of taxation; in some undoubtedly they were not, and especially where the imposition of a tax would so far harass the manufacturers as to take considerably more money from them than the revenue received, and check the progress of a manufacture, and prove vexatious and oppressive to that degree, that it would affect its prosperity, and endanger its existence. This he verily believed, notwithstanding all that the right hon. gentleman had said, would have proved to be the case with the fustian manufacture, had not the duty been repealed. He agreed therefore perfectly with the right hon. gentleman in his idea of repealing that part of the tax of the last year; he agreed with him also in retaining the part of the tax that remained on printed cottons, &c. He was not of opinion that any sufficient reason had been made out to shew that there was any real danger to be dreaded from the continuance of the tax on printed cottons, &c.; he was therefore for its remaining. He must, however, deprecate a principle that the right hon. gentleman had laid down in the latter part of his speech as a fit ground upon which any tax might be abandoned; and that was, on account of popular clamour, and prejudices which were founded in error. To such a principle he never would accede, nor ought that House to make it the ground of their proceedings; because if it were once known that a great degree of popular clamour and prejudice, no matter how ill founded, was a sufficient inducement for that House to give their consent to the repeal of any tax, the revenue would be in perpetual danger; and that sinking fund, of which the right hon. gentleman was so fond of introducing the mention in almost every debate, and to which they all looked forward with the most anxious expectation, would be only a matter to be talked of, and never to be brought into existence. It was by no means wise in any minister to declare, that he gave up that to prejudice and clamour, which he refused to reason and to fact; he did therefore most earnestly deprecate the principle, and deny that it was the ground on which he seconded the motion. The right hon. gentleman had thought fit to introduce allusions to what he had said in a former debate, relative to the Irish propositions, although no man was more ready than the right hon. gentleman to reprobate others for doing so disorderly a thing as to refer to what had passed in prior debates. The right hon. gentleman would recollect, that the subject of India and a certain India Bill, had been repeatedly alluded to by himself and his friends in debates, where the question was infinitely more foreign, than the consequence the passing of the Irish propositions was likely to have upon the people of England, was foreign to the question of reforming the state of the representation in parliament. Besides, in that very debate, the right hon. gentleman had himself introduced the mention of the American war, and other topics equally foreign from the subject at that time under consideration. But the right hon. gentleman had laid down two different rules of conduct, the one for himself and friends to act upon, and the other to be applied to those who took part against him. With regard to how far the present subject had reference to the Irish propositions, he made no scruple to say he thought it had; because undoubtedly, if the tax on fustians had continued, and the Irish propositions passed, the manufacturers would be affected very materially, not indeed in their home consumption, but in their export trade; since the fifth proposition, that of the countervailing duties, would only make it necessary for the Irish to lay on a duty equal to what the revenue received; whereas the manu-

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facturers paying more than the revenue received, in consequence the Irish and they would not export on equal terms. Having stated this, Mr. Fox took notice of what Mr. Pitt had said of his expectation to be vilified and calumniated for the manner in which he had come forward to repeal the tax. The right hon. gentleman had forgotten, he said, that the conduct of others had been full as much vilified and calumniated as his own, and, he was satisfied, with as little reason and as little justice. There was no ground for censure in honestly acknowledging an error, and desiring to retract it; there might be ground for question, and for something not very like praise, in declaring that a sacrifice was made to prejudice, and to prejudice merely.

Mr. *Pitt* said, there could hardly be a gentleman in the House who would not think it highly necessary for him not to lose a moment before he rose to answer the gross and monstrous misrepresentation that had been made of what he had said; just as if he had declared that he relinquished the tax in compliance with the prejudices of the manufacturers, and on that account merely. He appealed to the recollection of the House, whether he had said any such thing; and he appealed to their judgment, whether he could possibly have meant any such thing? What he had said, was, that he weighed the popular opinion on the one hand, against the importance of the object on the other; and that where the revenue to be relinquished was inconsiderable, compared with the degree in which the interests of the public might be affected by the injury a capital and important manufacture might sustain, in consequence of the rooted and insurmountable prejudices of a large body of manufacturers, if the one greatly outweighed the other, he thought that a sufficient ground to act upon to repeal any tax so circumstanced, and upon that ground he had come to the resolution to propose the repeal of so much of the tax of the last year as related to fustians. Was that any thing like what the right hon. gentleman had thought proper to state as his argument? And could any reasonable man believe that it was equal to a declaration, that what he had refused, and what he would have refused to reason and to fact, he would give up to clamour and to prejudice? Nay, would the right hon. gentleman himself, upon reflection, contend, that he had fairly stated his argument?

Mr. *Fox* denied that he had misrepresented the right hon. gentleman's argument. In the first part of his speech the right hon. gentleman had stated a variety of computations to prove, that the manufacturers had exaggerated facts, and failed in making out their case, insomuch that the right hon. gentleman declared he was himself convinced that the allegations in their petition were by no means proved; and in the latter part of his speech the right hon. gentleman had said, he was satisfied that the prejudices of the manufacturers were founded in error; but that, nevertheless, he thought it right to relinquish the tax. What was this, but giving up to false and ill-founded prejudice, that which was refused to reason and to fact?

Lord *North* concurred in the repeal of the tax. He, however, suggested his doubts as to the proper mode of proceeding. He much questioned, whether the more regular method would not be, to repeal the whole of the Act of the last year, and to move, in a committee of ways and means, for leave to bring in a bill to impose the tax on printed cottons, in the proper stage, where it was to be taken; because if he understood the matter rightly, the tax imposed last year was on all cotton, bleached and dyed: now, as a great deal of cotton was bleached which never was printed, the tax on printed cottons must necessarily be collected at the printing stage, and therefore it became, in some sort, a new and different tax from the one of last year, though it was virtually the same.

Mr. *Pitt* was of opinion, that the more regular way was that which he had proposed to the committee; because as the tax of last year was to remain in part, viz. so much as related to printed cottons, it surely would be absurd to repeal the whole, merely to enact a part of the same tax by a new bill.

Mr. *Stanley* rescued the manufacturers from the imputation thrown on their evidence by the Chancellor of the Exchequer. He insisted upon it, that the facts alleged in the petition had been substantiated in evidence. Mr. Stanley particularly laid stress on the testimony of Mr. Hall, the dyer, and said, if the right hon. gentleman had any doubt on his mind relative to any of those facts to which he had pointed a part of his argument that day, he might have been fully satisfied by questioning Mr. Hall; instead of which, the right hon. gentleman had contented himself with

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the information given by an exciseman, sent purposely from town to Manchester to inquire into the state of the manufacture, who was not above six days in Manchester, and had derived all the little knowledge he had of the matter from excisemen instead of the manufacturers themselves, who alone were competent to instruct him. Mr. Stanley lamented, that it was not the right hon. gentleman's intention to repeal the whole of the Act. He said the consequence would be, the printed-cotton manufacture would be greatly injured, and the revenue detrimented, by printed linen being smuggled, in proportion to the produce of the tax. Mr. Stanley termed the Manchester manufactories the pride of this country, and the envy of foreign nations; and declared, that Messrs. Walker, Richardson, and the other gentlemen, delegates from the manufacturers, as well as the rest of the witnesses, were, to his knowledge, men of undoubted character and reputation, and of as much private honour, virtue, and probity, as they were ingenious, skilful, and familiar with their manufacture, and that such men were above stating falsehoods, or exaggerating facts, on any consideration upon earth.

Mr. *Dempster* said, that he felt great dissatisfaction in consequence of the right hon. gentleman's not having moved a general repeal of the Act. The right hon. gentleman might not be aware that there were printed linens as well as cottons, and that the printed-linen manufacture would be materially detrimented by the tax. The printed-linen manufacture laboured under a burthen now of 50 per cent. whereas before, it was not taxed in any thing like the same proportion. He urged the intolerable grievance a continuance of the tax would be upon the manufacture; and declared, if the present motion were persisted in, he should think it his duty to take the sense of the committee upon it.

The Earl of *Surrey* reminded the committee, that when the tax was first stated last year to the House, the fustians, plain cottons, printed cottons, linens, &c. were all proposed to be taxed in one and the same proportion, whereas it was afterwards altered, and the tax modified as it stood at present. He contended, that it was unjust to take it off some of the articles, and not off the whole of them.

The *Lord Advocate* (of Scotland) agreed, that in reason and in justice the Act ought to be repealed altogether, for that allowing part of it to remain as the right hon. gentleman had proposed, would be a grievous hardship upon the printed-cotton and linen manufacture of Scotland.

Mr. *Sheridan* said, that the right hon. gentleman had most unjustly cast aspersions on the Manchester manufacturers, who by no means merited such treatment; on the contrary, the whole of their conduct had been most laudable. He had spent part of the summer in Lancashire, and had been a witness to the infinite pains the manufacturers had taken to keep their numerous workmen quiet, and to preserve the peace of the country. He rose principally to impress more strongly the idea suggested by his right hon. friend. viz. the reprobation of the doctrine of giving that to prejudice, which had been refused to reason. Such doctrine was the way to raise clamour, and to throw the whole country into confusion. It was pointing out a mode of obtaining the repeal of a tax, that could not but be attended with the most mischievous consequences; and therefore, to obviate it, and to prove to the world, that whatever might be the rule of conduct adopted and followed by the Chancellor of the Exchequer as an individual, the House of Commons did not act by so strange a rule, he should move an amendment, which was to insert after the word 'that,' a few lines, the purpose of which amounted to a resolution, "That it appeared to the committee, that the manufacturers of Manchester would be so much aggrieved and injured, if the tax on fustians, cottons, &c. imposed last year, were suffered to continue; therefore it was the opinion of the committee, that leave be given to bring in a Bill to explain and amend," &c. Mr. Sheridan moved this amendment regularly.

Mr. *Wilberforce* said, if the forms of the House would have permitted it, he would have moved the previous question upon the amendment. Not being master of the whole of the evidence, he could not possibly vote for the motion with that amendment; whereas he very safely could consent to a repeal of the tax.

Mr. *Rolle* charged Mr. Sheridan with having made an inflammatory speech, with a view to excite alarm and discontent in the country. He said, he would not say who it was that went down to Lancashire to stir up the manufacturers, to set them against the taxes, and to promote tumult and discontent; neither would he say who it was that distributed, or caused to be distributed, seditious and inflammatory

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handbills, and had them circulated all round the country; but the fact was so; and if he could bring the proof home to the party he suspected, he would take the proper steps to have his head stuck upon Temple-bar. Mr. Rolle charged Mr. Sheridan and Mr. Fox with having shifted their ground. The first of them had seconded the motion, and declared he approved highly of the Chancellor of the Exchequer's conduct, and now the right hon. gentleman had said, he would vote against the motion he promised to second.

Mr. *Fox* said, with regard to the empty threat of having heads stuck upon Temple-bar, he knew not of any Act which made circulating handbills a capital offence; but he was ignorant of any such fact. His right hon. friend, so far from having made an inflammatory speech, tending to alarm the country, and create discontents and clamour against the taxes, had done the direct contrary; his whole speech and the amendment he had moved, had obviously been calculated to guard against alarms, and to prevent clamour from arising against other taxes, in consequence of the repeal of the tax on fustians. With regard to the charge of having shifted his ground, he had not shifted any ground; he had said, he approved of the motion, and approved of letting the tax remain on the printed cottons. He did so still; but a point of order having since been started, which struck him to be well founded, he must necessarily vote accordingly. If the hon. gentleman called that shifting his ground, to that accusation he begged leave to plead guilty. With regard to what the hon. gentleman had said, he would not speak; he presumed the hon. gentleman was too much a man of honour to assert what he knew he could not prove.

Mr. *Sheridan* rose to say, that his right hon. friend must certainly have mistaken the hon. gentleman, because the hon. gentleman had said nothing but what was a defence of his argument; for what was his argument, but an argument to prevent the public from being misled, and thence alarmed? With this view, he had moved an amendment, declaring the reasons for which the House agreed to repeal the tax on fustians. The charge of making inflammatory speeches lay at the door of the right hon. gentleman opposite, if it lay any where, because the right hon. gentleman had said, he repealed the tax on account of the prejudices of the manufacturers, and not because it was burthensome and oppressive. Mr. Sheridan declared he did not think it necessary to make any reply to what the hon. gentleman had not said; and with regard to the handbills, he really knew nothing about them; but he could easily conjecture why the hon. gentleman was so sore about publications. The handbills were not the compositions that hurt him, but compositions less prosaic, but more popular, he was afraid, had made him so sore. [A general laugh, Mr. Sheridan being understood to allude to the Rolliad.] He was aware that the hon. gentleman had suspected, that he was either the author of those compositions, or some way or other concerned in them; but he assured him, upon his honour, he was not, nor had he ever seen a line of them till they were in print in the newspaper.

Mr. *Rolle* said, he held the author of the compositions alluded to, be he whom he would, in sovereign contempt, as well as his works; but as the cap fitted the hon. gentleman and his right hon. friend, they were welcome to wear it. He saw he had touched a sore place. With regard to there being no Act to prevent the circulating of seditious handbills, for the sake of creating discontent in the country; if there was no such Act, there ought to be one; and if he knew the author, he would take the proper steps to have him punished,

Mr. *Sheridan* said, that while the hon. gentleman talked at random he should take no notice of it; but if he charged him with being concerned in circulating seditious handbills, he would answer him both there and elsewhere, very plainly and very coarsely. Mr. Sheridan having said this, touched upon his amendment, which several gentlemen pressed him to give up; to which he consented.

Leave was then given to bring in the Bill.

Debate on Mr. Fox's Motion upon the State of the Revenue.] April 29. The order of the day being read,

Mr. *Fox* rose to make his promised motion on the state of the public revenue, and to call the attention of the House to the calculations and statements which were made by the right hon. the Chancellor of the Exchequer. He prefaced his motion with saying, that whatever differences there might be in that House upon questions of a political nature, and in speculative opinions, there was no difference with respect to the propriety and necessity of supporting the public credit. The House had in all administra-

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tions been uniform in maintaining the credit which had been so useful to us in our difficulties, and in countenancing every measure which tended to the advancement of our revenue, or the security of the national creditor. It would not, therefore, be imputed to him, that he rose this day to agitate the House on the subject from motives of faction, or for the purpose of exciting alarms in the country. In what he should say, he would give occasion for no such charge. It was his first and most earnest desire to see the revenues of this country rendered so indubitably equal to to our necessities, that neither cavil nor ingenuity should be able to excite terrors in the breasts of those who had lent their money on the faith of government; and he did not believe there was an individual in the House who entertained different sentiments.

There had been, he said, a good deal of conversation at different times on the subject of the sinking fund, and on the propriety of applying it to the necessities of the state. Without entering at all into the question, whether it was wise in all possible cases so to apply it; or whether the public might not be more benefited by its appropriation occasionally to other purposes, this much was certain, that though it had been applied occasionally to make up for the year the deficiencies of any tax which might have failed of producing what it was calculated to produce, or to answer any sudden and unforeseen emergency, it never was yet taken and applied to the permanent payment of the annuity of any sum which we had had occasion to borrow. To this length we never yet had gone; the wisdom of the House had always provided by taxes a permanent fund for the payment of the national creditor; and the produce of the sinking fund was only held out as an additional security to them, that in case those taxes should fail, their annuities would still be regularly paid. The right hon. gentleman at the head of the finances had said, some days ago, that by the late production of taxes we had reason to hope that the revenues of this country would annually produce the sum of fifteen millions and a half, which constantly would leave a surplus of one million to be applied to the extinction of the national debt. He would not be confident in the precise words which the right hon. gentleman had made use of in stating this fact; but this was the result, and this his friends had adopted, with the most sanguine disposition.

He was by no means pleased that the state which he should give of the public accounts did not warrant the conclusion which the right hon. gentleman had drawn from them. He by no means wished that his state of the public revenue should turn out to be the true state, in contradiction to that of the right hon. gentleman; but the House must not argue, that because he went into these discussions for the purpose of shewing them that the conclusions which had been drawn from them were not well founded, that therefore he was anxious to affect the public credit, and to lower the state of the funds. He was actuated by no such motive. It was his opinion, that the true and only foundation on which the credit of this country could be maintained, was in the publicity and clearness of our accounts; it was in the evident determination of parliament at all times to look their situation in the face, and neither to deceive themselves, nor to deceive others with fallacious statements, which could only serve interested purposes for a moment, while they might produce lasting and dreadful consequences to the country. Perfectly to despond, was as injurious as to be too sanguine. Despondency would depress the genius, enterprise, and energy of the country: and again, to be too sanguine in our expectations, would prevent us from taking those measures which might be necessary to our deliverance. Apprehending that the state of our finances was very different from that which the right hon. gentleman had held out, it was his opinion, that though our circumstances were bad, they gave no reason for despondency: they were yet to be retrieved; but they were only to be retrieved by our cheerfully submitting to new and to heavy burthens. This, in the present situation of the country, was undoubtedly a melancholy prospect; but he had too much confidence in the good sense of the people, and in the wisdom of parliament, to believe, that when the necessity was made apparent for new burthens, the one would either hesitate to impose, or the other to bear them.

He was afraid, that in what he should have to state to the House, he should make the necessity for new burthens too apparent. The right hon. gentleman had laid before the House a paper to shew the comparative produce of the taxes of the quarter ending the 5th of April, 1784, and of the quarter ending the 5th of April, 1785. From the amount of the latter he

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had argued, that the produce of all the taxes for the year would leave a surplus of one million above the payment of all the annuities and establishments of the year. It had already been stated to the House, that to draw this conclusion from this particular quarter would be fallacious, for that the quarter consisted of eleven days more than either of the other three. The quarter in general was ninety-one days and a fraction; but this quarter was one hundred and two days in length. The amount of the taxes for this long quarter was, by the account produced, 3,066,000*l.* which multiplied by four, undoubtedly made the produce of the taxes for the whole year 12,260,000*l.* He avoided fractions to make the matter more readily intelligible. The eleven days, however, which were to be taken from this quarter made the amount very different. On an average the amount of the taxes was about 30,000*l.* per day, which for the eleven days amounted to 330,000*l.* and this multiplied by four, made the sum of 1,300,000*l.* which was to be taken from the calculation of the right hon. gentleman. This, therefore, reduced the annual produce of the permanent annuities to 11,000,000*l.* Add to this 2,500,000*l.* for the amount of the land and malt, and the whole was only thirteen millions and a half, which was two millions short of the calculation of the right hon. gentleman.

It was not a fair nor a true way of stating the taxes, by taking the amount of a quarter as a fourth of the year. The quarters sometimes varied exceedingly; and arguing in this way, from this particular quarter, was liable to much fallacy. He had it not in his power to argue by comparisons of all the quarters for any given number of years; but having an account in his hand of the amount of the customs for eleven years, he did not think it would be unfair to argue by analogy from them, and to shew how treacherous it would be to decide on the amount of the customs for a year by any one quarter. In comparing the several years, he would naturally pass over the last year, as by the postponement of the customs due by the East India Company, that year could not be set in comparison so as to give any fair estimate of the public revenue. The total of the customs for the quarter ending the 5th of April last, was 770,000*l.* To argue that this was a proof that the other three quarters would be equally productive, he was afraid would be very fallacious, and would not be borne out by the experience of former years. It was a fact, that whenever the spring quarter was high, the summer quarters fell off, and whenever it was low the summer quarters made up for the deficiencies. The years 1778 and 1779 presented instances like the present year of high spring quarters: in the one, the customs amounted to 708,000*l.* and in the other to 715,000*l.*; and yet it so happened that these two years were the lowest of all the eleven years, for which the account on the table was made up. Was it therefore reasonable to infer, from the high amount of the customs in this quarter, that the amount of the year would be equally or proportionably high?

But in this particular quarter on which the right hon. gentleman had calculated in so sanguine a manner, there were several articles which struck him in a very forcible manner as being charged too high. East India goods, for instance, were stated in this quarter to have produced 86,000*l.* a sum so much above what they had ever produced in a former quarter, that he knew not how to take that as a fourth of the produce of this article for the year. The average produce of this article for the last eleven years was but 120,000*l.* a year; and the quarter ending the 5th of April 1784, had produced but 10,000*l.* On such experience, it was impossible that he could set down this article at 340,000*l.* for the year. There must have been in the payments made this quarter, some arrearages paid up, or some extraordinary circumstances which would not enter into the other quarters, and which therefore it would be unfair to calculate upon in this statement. Another article struck him as curious. The duty of 18½ per cent. on muslins was stated to produce 86,000*l.* in this quarter; this was as much as the duty had produced for the whole of the last year. The excise duties, which were paid into the Exchequer at the rate of 350,000*l.* per week, made another very material inaccuracy in this account; for, by the addition of the eleven days in this quarter, the excise duties were paid for fifteen weeks. So that if this was to be taken as a fourth of the year, the year must consist of sixty weeks instead of fifty-two.

The stamp-duties which had been imposed by his noble friend (lord John Cavendish) were stated to have produced in this quarter 96,000*l.*, a sum which very much astonished, and which, if it were true, would very much please him. He

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was afraid, however, there was no truth in this statement. The whole produce of these duties, which undoubtedly had fallen short of their calculation, had never yet amounted to much above 100,000*l.* a year. To state, therefore, that they had produced 96,000*l.* in one quarter, was a thing for which he could not account, however he might wish that the fact were so. The additional stamps which had been laid since that time, were stated also at 96,000*l.* This would give on each of these articles an annual produce of 380,000*l.*; and he called upon gentlemen to say, whether they expected such a sum, or any thing like it, from these duties? Besides this, there was to be mentioned other charges, which were evidently inaccurate—the deduction from salaries, the composition of the Bank for the whole of the stamp duties on notes was 12,000*l.* a year; and yet in this quarter 6,000*l.* of that sum was taken, and which therefore could not be multplied by four.

It was impossible that he could speak on these points with the authority of the right hon. gentleman, because he had not the information. He conceived these things to be curious and unaccountable; and he trusted that the right hon. gentleman would explain them to the House, in support of the reasoning and conclusions which he had drawn from this quarter. These articles, which he had enumerated, would amount, in the calculation for the whole of the year, to upwards of 150,000*l.*; but he understood the right hon. gentleman had said, in his statement of this quarter, that there was one sum of 125,000*l.* to be deducted, and that there was 100,000*l.* to arise in another quarter, which was not in this. Not knowing precisely in the present stage what were the articles on which the right hon. gentleman had said, that these deductions were to be made, he would not insist so much on the particular objections as on the great objection to the eleven days in this quarter which were not in the others; and upon this he still contended, there was a deduction to be made of 1,300,000*l.* from the calculation for the year.

Another way had been taken in stating this business. Instead of multiplying this quarter by four, the two winter quarters were taken together and multiplied by two. He conceived this also to be fallacious, though not perhaps so fallacious as the other. He must reason on this also from the account of the customs on the table. In that account he found that the average of ten years was about 74,000*l.* in favour of the summer quarters; and here it was to be observed, that taking it in this way, there was a difference of five days in the calculation. The winter quarters included from the 10th of October to the 5th of April; but one thing particularly deserved the notice of the House, and that was, that by the account of the customs on the table, it appeared, that whenever the spring quarter exceeded 700,000*l.* the summer quarters were proportionably low. But admitting this mode of stating the account, and multiplying the two last quarters by two, to give the probable production of the present year, the amount would be but 11,400,000*l.* which would still leave a deficiency of 1,650,000*l.* of the fifteen millions and a half stated by the right hon. gentleman.

He understood the right hon. gentleman had argued from this account in another way: he had compared this spring quarter with the spring quarter of last year; he considered this as still more fallacious; he had compared it with the worst spring quarter for the last ten years. The quarter of last year was bad for the reasons he had stated, namely, the postponement of the East India duties: but he begged gentlemen again to look at the account in their hands of the customs; they would find, that though the spring quarter of 1784 was the worst of the whole ten years, yet the year 1784 was the best but one of all that period. Nothing could be more erroneous than to argue, that from the goodness of the spring quarter the whole year was to be estimated. It so happened, that whenever the spring quarter was highest, the whole year was low: for instance, the spring quarter of 1779 was 715,000*l.*: the spring quarter of 1784 was 385,000*l.*: yet the whole of the year 1779 produced but 2,200,000*l.*: while 1784 produced 2,600,000*l.* It was in vain, therefore, to argue from this mode of statement; but he said, that in giving the right hon. gentleman every thing he demanded, in stating the account with all the possible advantages which could be enumerated, and omitting all the objections which he had made, by laying the two winter quarters together, and even permitting him to say that the summer quarters would be better, granting that they would be better as six is to five, yet in this way, the whole amount of the permanent revenues, and of the land and malt, would be but 14,233,000*l.* which would be a sum

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300,000*l.* short of what we had annually to pay, and 1,300,000*l.* short of the statement of the right hon. gentleman, by which there was to be a surplus of 1,000,000*l.* a year for a sinking fund.

If, therefore, it was the determination of that House to meet the situation of the country fairly; if they intended, with the honesty and determination that became them, to put the finances of the country beyond the reach of cavil; give security to the creditor, and manifest to the whole world their disposition to be strictly honest, they must lay additional burthens on the people to the amount of 1,300,000*l.* a year. The alternative was undoubtedly unpleasant; but no man could hesitate one moment in making his choice. The alternative was, that in the present moment, when the people of this country were labouring under taxes that were almost insupportable, they should impose new and heavy burthens on them to the amount of 1,300,000*l.* a year; or that the immense load of this country should be suffered to continue for ever; by which, when some new struggle might occasion extraordinary calls, we must be brought to that dreadful state which no considerate man could look at without horror—a national bankruptcy. Surely, in this view of the matter, no man would hesitate in his choice: he who could cherish in his bosom for one moment the idea of embracing the one side of the alternative, must have a head incapable of judging; a national bankruptcy would be national ruin; and the head of that man must be strangely dull, or his heart inhuman, who could harbour such a notion. It was not to be thought of. And yet he knew that stange, mad, and atrocious schemes had been engendered in the brains of some men to this end: but no practical statesman had ever thought of them, no wise man had ever countenanced them, and no good man, he trusted, would ever adopt them. The right hon. gentleman had properly stated to the House, that it was only by the gradual diminution of the debt that we could retrieve our affairs. This was his belief; and he was sincerely of opinion, that by cheerfully submitting now to an increase of burthens, our affairs might not only be retrieved, but we might be brought to a more prosperous condition than we had ever enjoyed.

It might be said, let us wait another year before we lay any more taxes on the people: let us see what the result of our wishes are. This, he said, was truly impolitic; the loss of a year of peace was a material loss. If the sum was actually not wanted; if there should at this time be a sinking fund, the increase of that fund would be a blessing, and the year of peace ought not to be lost, though he knew it was the opinion of some men, that war was the proper time for the diminution of the national debt. Perhaps it might be said, that he pushed ministers to do this, in order to make them unpopular, because it must be an unpopular measure to lay additional burthens to so large an amount. If such should be the imputation thrown on gentlemen who rose in that House to deliver their opinions on subjects of revenue, it would be wise for them to absent themselves whenever such subjects were mentioned; but no such imputation could with justice be brought against those who fairly offered to share in the unpopularity by assisting the ministers in the task.

He concluded with saying, that it was his intention to have moved, from the grounds which he had stated, that it appeared to the House, that the permanent revenues of the country amounted only to between eleven and twelve millions; but not being able to state the precise amount, he did not think that such a motion would have the accuracy which the House should require; and therefore he proposed to move, "That a committee be appointed to inquire into, and state to this House, the annual net produce, from the 5th of April 1775, to the 5th of April 1785, of the several taxes now subsisting, which were granted previous to the 5th day of January 1776, distinguishing each year, together with the totals, and stating also the average produce of each tax, and of the totals; and also, the produce of the several taxes granted since the 5th day of January 1776, for one year, ending the 5th of April 1785; and also, the amount of the public debts as they stood at the receipt of his Majesty's Exchequer, on the 5th day of April 1785, with the annual interest and other charges payable thereon; and also, the amount of the Exchequer Bills, Navy Bills, Ordnance Debentures, and other unfunded debts; and to report the said accounts, with their observations thereupon, to the House."

Mr. *Eden* rose to second the motion. He said he continued to think, that the statements of the public revenue which had been brought forward were highly

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erroneous at least, if not fallacious. It was become of the utmost importance to the public to have those statements fairly brought to the test of truth; and such was the object of the present motion. The statements which the committee were required to prepare by the motion, might undoubtedly be prepared by the revenue officers, and might afterwards be discussed by the House; but it seemed better to collect and settle them in the most intelligible shape under the inspection of a committee. With respect to what his right hon. friend had stated upon the comparative differences of the two half-years on which the Chancellor of the Exchequer had placed so much stress; he must observe, that if the difference between those two half-years was estimated at 700,000*l.* (and it ought not, after all the obvious deductions, to be estimated higher) that sum was fully accounted for by two circumstances, which seemed to escape gentlemen's recollection. In this last and boasted half-year, there was an increase of about 460,000*l.* in the duties paid by the East India Company, beyond the duties paid by that Company in the half-year ending in April 1784, and there was also 240,000*l.* taxes of 1784: these two sums added together, would be found to leave no rise in the half-year ending the 5th of April 1785, on which any argument of a great increase could be built. There was, however, one circumstance in the paper presented by the receiver-general of the customs, which was very encouraging. The net produce of the customs for the year ending the 5th of April 1785, appeared in that paper to be 3,720,000*l.* He would not adopt the modern reasonings, and infer from it, that the next year's produce would be equally high: still less would he presume, that because this was 800,000*l.* higher than the preceding year's produce, the next year would advance 800,000*l.* farther. But he would observe, that it recurred fully to the fair produce of the old branches of the customs, in the most prosperous times: the average net produce of the customs for eight years, ending in 1776, was above 2,500,000*l.* and the taxes established since upon the customs, together with the discounts, might be estimated at about 1,200,000*l.* This prosperous state of the trade was, perhaps, chiefly owing to the energy of the kingdom and of merchants; but perhaps also it was in part to the measures adopted against smuggling. He was far from wishing to detract from the merit of those measures; he had always differed, and continued to differ, from some of his friends, in thinking that the Tea Act and the Smuggling Act were likely to have a gradual and material effect in the improvement of the revenue: and though he had disapproved of the new window tax, it was not because he disliked its principle, but because he thought it injudiciously executed, and proportioned in a manner unjust to the community, and injurious to the old window tax, which had consequently been much diminished. He nevertheless entertained favourable expectations from the effect of the plan.

Mr. *Pitt* said, that during a considerable part of the right hon. mover's argument, he had expected his motion would have been of a very different nature from what it turned out to be. From what had fallen from him at the beginning of his speech, he was inclined to think that his proposition would have gone to establish it as a doctrine, that wherever a tax was found to be deficient of the produce at which it had originally been estimated, the minister of finance was bound to make up that particular deficiency by a new tax, without considering the degree in which other branches of the revenue might be found to make compensation, thus directing his attention to minute and individual objects, instead of embracing and regarding the general amount of all the taxes. The right hon. gentleman, however, had disappointed him by taking a new ground; and he was ready to believe that the motion which they had then heard made, was not that which it was his original intention to have offered. He supposed, that the lights in which the right hon. gentleman had viewed the subject since his first notice to the House, when he acknowledged that he could not ascertain what his motion was to be, though a motion at all events he was determined to make, or perhaps even his own arguments, which he had just now delivered, had persuaded him, that it was perfectly out of his power to form any fixed and decided opinion, contrary to that which he had himself formerly endeavoured to impress the House with, relative to the prosperous state of our finances; and therefore he was desirous of a committee, in hopes that they might be able to do it for him. He was happy ever to have it in his power to agree in sentiment with the right hon. gentleman; and on the present occasion there

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were some points in which their opinions did perfectly coincide. In the first place, he heartily agreed with him when he said, that to impress the public with flattering hopes of the prosperity of the nation in point of revenue, when those hopes could only be supported by fallacious statements, by concealment or deceit, was a gross violation of duty in a minister; but he wished the right hon. gentleman was as ready to concede to him on the other hand, that to promote despondency and despair, by unfair misrepresentations to the prejudice of the nation in her most essential and vital part, her public credit, was at least as culpable. Another principle of the right hon. gentleman he was also happy to find corresponded exactly with his own most favourite object, an object which he had never lost sight of since he first had the honour of a seat in that House, the necessity of an efficient and regular Sinking Fund, to be uniformly, and, he would say, unalienably applied to the diminution and discharge of the national debt. He congratulated the right hon. gentleman on his having become a proselyte to this measure; but still there were some of his collateral doctrines on the subject, in which he could not but differ with him in opinion. He denied that it was contrary to the proper intent of a sinking fund ever to apply any part of it to any other purpose, except the diminution of the debt; not even to the payment of the interest; for, on the contrary, it had been, he said, the constant practice of all financiers so to apply it, if necessary, still making up the deficiency arising from such application by other taxes; and, indeed, the Sinking Fund was at all times considered not only as a resource for paying off the debt, but also a collateral security to the public creditors.

He paid some ironical compliments to Mr. Fox for his zeal on the subject; a zeal however, which, like that of all new converts, was, he said, more ardent than judicious; for in his great anxiety that a sinking fund should be established, he was desirous immediately to proceed to the imposition of taxes for that purpose, without being satisfied to wait a few months longer to see whether those now in being would not be found sufficient. He returned the right hon. gentleman thanks for his readiness to ease him of the most disagreeable part of his duty, that of proposing new taxes; and hoped the same disposition would continue, if it should be found, contrary to his present expectations, that they were necessary; for he should be more happy to see all that brilliancy of eloquence, and all that force of argument, exerted on an occasion when taxes were to be laid on, than at a time when no such thing was in agitation. Notwithstanding the arguments of the right hon. gentleman were, on this occasion, useless, he should not however forget them, but would treasure them up in his memory for any future use to which they might be turned. And he hoped the House would remember, that the right hon. gentleman, by his extreme forwardness on the present day for proceeding to lay new burthens on the public, had pledged himself to support whatever measures of finance should from any future disappointments be found necessary. He apprehended the sole object of the motion was to procure for the House such information as should enable them to judge whether the present system of taxes was sufficient without fresh additions to answer the necessary demands of the different establishments, and to afford a surplus sufficient for a Sinking Fund of one million annually. Now, as this was the whole extent of the question, he submitted whether it would not be more advisable to wait for the experience of a few months, than to put the business into the channel proposed by the present motion. With regard to the grounds of objection that were now taken to his former propositions to the House, he said, they were extremely different from those which had already been suggested. If it was a general truth, that in all arguments, the surest way to come to a mutual understanding, was the adhering to some certain premises, and following a regular and uniform system of reasoning, or in the common phrase, sticking to the point; it was a truth that applied to questions of a numerical nature, above all others; and yet, in the present instance, this principle seemed to be entirely forgotten; for the particular calculation on which he was then attacked, was one which, until that day, had never been called in question: he was happy to find that those which had been formerly taken up, were at last abandoned as untenable; by which it was to be understood, that a tacit testimony was borne against them by his opponents themselves.

He desired the House to recollect, that when he made his several calculations, he had not done it with a view of adopting

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any one particularly, as the foundation of his prospects concerning the revenue, but only with a view to lead the minds of gentlemen to the easiest method by which they could form their judgments, in order that when the whole subject came properly before them, they might be more competent to decide upon it. The calculation that was now endeavoured to be overturned, was that by which he had compared the two quarters ending on the 5th of April, in the present and last year, and grounded thereon a comparative computation of the produce of the two subsequent quarters, those ending on the 10th of October in each year. This calculation, he said, had been principally combated on two different grounds:—first, it was objected, that the accounts of the quarter ending on the 5th of the present month, contained the receipts of eleven days beyond the natural quarter: to understand this, it was necessary that the House should be informed of the method of making up the public accounts in the Exchequer; the principal body of weekly payments were, he said, made into the Exchequer on Tuesdays and Wednesdays, and the day for making up the accounts was Friday; the custom, therefore, was, that on whatever day any particular sum was received, it was to be credited and accounted for, as if received on the Friday nearest to that day, whether precedent or subsequent; hence he inferred, that there must always be a difference in each quarter of between three and six days at least, therefore the excess of the numbers in the quarter on which so much stress had been laid, was greatly reduced. Thus, he observed, what was gained in one quarter, was lost in another, and the whole of the relative accounts of the half-year came to their proper level. The next objection was, that the last quarter, including nearly the amount of the receipts for the whole year, upon the new taxes, was not a medium from which any fair calculation could be drawn of a comparative proportion between the other quarters, in which little or nothing could be received on the same accounts. This, he said, notwithstanding the stress with which it had been relied on, was by no means founded in fact. Here he instanced the horse tax, the hat tax, the game-licence tax, and some few others, which had not yet afforded nearly the complement of their yearly revenue. Besides these taxes, there was another, which would be found to yield an increasing produce, when the odium which had been so industriously excited against it had subsided—this was the window tax, a tax which, considering every circumstance attending it, had turned out to be the most nearly adequate to the produce at which it was estimated of any that he remembered. Here he entered into Mr. Fox's calculation, by which he had endeavoured to prove, that because in the account of the receipts of the stamp duties of lord John Cavendish, there appeared to have been paid in a sum nearly equal to the estimate which lord John had formed of their annual produce, therefore there could be but little more to receive on that head for the remainder of the year. To this he replied, that the right hon. gentleman had not taken notice that the account alluded to, included the amount of lord John's whole budget, except one trifling article, (that of waggons,) and observed, that it would be extraordinary indeed if one quarter of the entire taxes of that minister, which had been laid at 550,000*l.*, but which had never exceeded 300,000*l.*, should not amount to 70 or 80,000*l.*

Here he returned to the calculation relative to the proportionate excess of the summer beyond the winter quarters. The principle which he had suggested as a fair ground for forming this calculation, viz. the usual superiority of the customs in the two summer over the two winter quarters, had been opposed by the right hon. gentleman on the strength of an average calculation which he had made of nine successive years, during which nine years the principle was found not to operate. This series of years was the most unfair of any which could be adduced to the argument in question, for they were in general years of war. In war time, he said, it was impossible to find any principles of reasoning on subjects like the present applicable to times of peace. In time of war an extraordinary degree of success might attend the arms of a nation for one quarter of a year, and yet the succeeding quarters be calamitous in an equal or greater proportion. Hence the successful quarter must necessarily be more productive of revenue by customs than the others, which might also be the case, without any such reverse of fortune, from the circumstance of ships waiting for convoy, or being detained in distant ports for want of seamen. Hence the average, which in peace was uniform and regular, became

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disturbed and unsatisfactory in times of war. He asserted, that if the right hon. gentleman had gone back to a period of peace, and drawn his average from thence, he would have found it to be such as would have fully corresponded with what he had laid down as a just mode of computation. He said, that on general reasoning there was nothing more evident, than that the summer quarters must necessarily afford a greater produce in the customs than those of winter; but he would reduce those general grounds of argument to particular facts, by which the House would be much better informed. For this purpose, he instanced first the customs payable by the East India Company; this, he said, was one of the most important branches of the customs, and yet in the last quarter we had received so far short of one quarter of the whole year's amount, that the net sum on that account in the papers before the House was no more than 47,000*l.* In the tobacco trade also it was notorious, that a very small proportion of the shipping ever arrived so early in the year as to pay the customs within the winter quarters; the same was the case with the West India goods, and in another branch of commerce the receipt of the customs was entirely confined to the summer quarters,—the Baltic trade was so circumstanced, that the ships could not sail from their respective ports early enough in the year to arrive in England till the summer was far advanced. Hence, he contended, it was obvious that the future quarters of the present year must of necessity be far more productive than the former quarters. It had also been suggested, that the whole of the drawbacks on re-exportation not having been yet paid, left the produce considerably greater than it otherwise would have been. To this he answered, that so far from there being any ground for an argument of that nature, on a supposition of a decrease in the exports, the fact was, that they had been for some time past in a state of considerable increase, as was evident from the returns from all the out-ports where they were more numerous than they had been remembered; and in the port of London they were nearly equal to the greatest extent to which they had ever reached. He concluded, that as the half-year ending the 5th of April, 1784, produced 4,783,000*l.*, and that ending the 5th of April, 1785, produced 5,804,000*l.*, if the ensuing half-year were to bear the same proportion to the past, that the two corresponding half-years of the last year bore to each other, the whole produce of the present year might be expected to amount to 12,580,000*l.* which, with the land and malt taxes at 2,400,000*l.* would make 14,980,000*l.* and leave a sum of only 420,000*l.* deficient for the purpose of appropriating a clear yearly million for the sinking fund proposed. This sum was such as would preclude the necessity of applying to new burthens; but if there should be occasion, he had no apprehension that there could be found a single voice in the nation that would hesitate to proclaim the necessity and good policy of supplying the deficiency by new impositions on articles, that should undeniably be productive in the degree required. Here he appealed to the candour of the right hon. gentleman, and the good sense of the House, whether it could, on any ground of prudence, be expedient to give up such favourable expectations, as arose from every point of view in which our national resources could be put; expectations which the experience of a very few months would either establish or overturn; and to proceed to the imposition of new burthens on their constituents, in addition to those, under which they already laboured, burthens which an event so shortly expected to arrive would most probably prove to be unnecessary.

With regard to the mode by which the right hon. gentleman endeavoured to carry his point, viz. the appointing commissioners for the purposes named in his motion, it was such as, if he had no objection to the object, he could nevertheless by no means agree to. He said, he should be extremely sorry to believe that there were not in that House many persons infinitely more capable of filling the office which he had the honour to enjoy than he was: but still, even badly supported as it might be, he thought it more properly vested in him, a servant of the Crown, and answerable for his conduct, than it could be in a committee of the House, liable to no such control from personal responsibility. He then went into a conjecture of what would be the conduct of such a committee as was required by the present motion, which he supposed was intended to consist of members of different opinions; they would, he said, perhaps with less eloquence, with less vehemence, with less noise, and with less action, but not with less obstinacy, debate the same points, and nearly in the

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same manner, as the whole House would do; there would moreover be a considerable difficulty in appointing such a committee as would give satisfaction to all sides of the House. Here he lamented that it was not, from the orders of the House, allowable for him to speak out the whole of his idea on the subject; but gentlemen might very well understand him, that there were several different descriptions of men in the House, and that some persons would wish to have one description, and some another description, to compose the committee: for his own part, if his office was to be put into commission, he confessed he should be extremely willing to be himself one of the commissioners, and would of course wish to have his own most particular friends for colleagues. On the other hand, he imagined the right hon. gentleman would also choose to be one of the committee, and perhaps would have no objection to being allowed to appoint the rest. In that case, there would be no great difficulty to form some judgment of the sort of report that would proceed from them; for, not to mention the extreme facility with which the right hon. gentleman and his friends had formerly doomed the greatest commercial Company in the world to bankruptcy—[A loud cry of Hear, hear! on which Mr. Pitt said, he was glad to find the gentlemen so sore upon the subject; he considered it as a sign of their repentance.] The very little delicacy which the right hon. gentleman had shewn to the public credit, in coming forward with his present attack at so critical a time, within a few days of that on which he intended to bring on a question relative to the finances, for the purpose of providing for the funding of such part of the national debt incurred in the course of the last war as yet remained to be funded, and for paying the interest of the small loan that might be found necessary, plainly indicated which way his wishes went, and what his real purpose was. Upon the whole, the measure proposed could have no good effect whatever, but must be productive of many bad ones; it must occasion a delay in the very business to which it related—the establishment of the sinking fund; it must tend to create apprehensions for which there was no real foundation, extremely prejudicial to the credit of the nation, and give a temporary check to that rapid progress which had of late taken place in the funds; and which, if not thwarted by idle and useless speculations of this nature, would shortly rise to such a height as the prosperous state of the public revenue must, when more universally known, tend effectually to secure.

Mr. *Fox* rose to reply. He began with observing, that the right hon. gentleman had thought proper to bestow the name of 'proselyte' upon him. He desired to know at what period of his political life it was that he had ever held any other than one and the same language, respecting the necessity of keeping up the sinking fund, so as to be able to apply a certain sum unalienably towards the discharge of the national debt, in time of peace. At all times, and on all occasions, when questions of finance were agitated, had he not contended, that unless this were done, the nation would be inevitably ruined? How happened it, then, that the right hon. gentleman had discovered that it was a new doctrine in his mouth? With regard to his having declared, that the surplus of the sinking fund ought never to be applied towards the annual establishments, or in discharge of the public annuity, he had said directly the reverse; having declared, that it was, in his opinion, right so to apply it, when a necessity arose, as sir Robert Walpole and all his successors had occasionally applied it: but he had at the same time said, that it ought not to be suffered to remain as a fund appropriated to those purposes generally; on the contrary, its great object, viz. the applying it in diminution of the public debt, ought ever to be held in view. Mr. Fox reprobated Mr. Pitt's argument as in the highest degree fallacious and illusory. The right hon. gentleman, he said, uniformly avoided and flew from any computation grounded on the average of a number of years, and upon experience—to resort to what? a computation built upon the amount of the produce of the two last quarters, an amount exceeding any that had gone before, for obvious reasons, joined to the amount of two summer quarters, which accidentally had been the greatest of any two summer quarters to be instanced. This was, he said, of all weak modes of reasoning, the weakest. It was not merely to trust to visionary speculation, but to that sort of speculation most liable to failure. With regard even to the confidence the right hon. gentleman had placed in his conjectures, in consequence of his boasted quarter ending April 5, 1785, he might find his conjectures deceive him; since the only quarter's produce that had greatly

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exceeded others, was a quarter in the year 1779, the remaining quarters of which failed beyond all example. Mr. Fox defended lord John Cavendish's budget from imputation, and said he should not have imagined the present administration would have imputed blame to it, since they could not have forgotten, that lord John had been obliged to open his budget within three weeks after he had kissed his Majesty's hand as chancellor of the exchequer, and that he succeeded the right hon. gentleman in that office, who had remained in it six weeks perfectly inactive, and without doing one thing for the public in point of finance. Had lord John continued another year chancellor of the exchequer, undoubtedly he would have been prepared with new taxes, to have supplied the deficiencies of his own taxes, and with some plan for establishing a fund to be applied immediately in diminution of the national debt. But what had been the right hon. gentleman's conduct? Who, that had last year seen him assume an air of the utmost personal importance and gravity, and heard him ardently talk of his determination to encounter loss of popularity, public clamour, and public odium, rather than not effect so necessary a purpose as applying a fund towards the immediate diminution of the national debt, would have imagined that he would this year have come forward with a series of computations, founded in demonstrable fallacy and error, in order to ground a pretence for putting off the great work till another session? What pledge had the House that he would begin upon it even next session? Indeed, his words were sufficiently big with promises, but would a minister's promise insure a minister's performance? Last year he gave a verbal pledge, and bound himself by words as fast as words could bind him. Master as he was of words, Mr. Fox said, he defied the right hon. gentleman to invent expressions more binding or more strong than those he had used last session, and yet the House had witnessed what security his verbal pledge had proved! Thus might he go on promising and promising *ad infinitum*, and a work that ought to have been begun before, that would not admit of longer delay, be deferred till we found ourselves again involved in a war; and he was not yet, Mr. Fox said, brought over to the opinion that war was the fittest season for the discharge of the national debt.

Mr. Fox took notice of Mr. Pitt's sneer at his having argued in support of the imposition of the new taxes, on an occasion where no taxes were to be imposed. In answer to this, he conceived the question of the day would decide whether new taxes were necessary or not; and therefore it was, of all others, the fittest moment for pressing the argument. Were there no doubt in the case, and were it the decided opinion of that House that taxes ought to be laid, any argument of his in support of such an idea, would undoubtedly be superfluous; it could only be of use where the question was in contest. Mr. Fox, in answer to Mr. Pitt's allusion to the India Bill, said, the very conduct that the right hon. gentleman had at that time imputed to him, he was now practising himself—holding out fallacious accounts and false statements of the revenue, to mislead the public. With regard to India, did any man now believe, that the accounts presented to that House by the directors of the East India Company last year, and upon which they had proceeded to pass a bill into a law, were not fallacious? After what he had lately seen from Bengal, after what the learned gentleman next him knew of the affairs of the Company in India, did the right hon. gentleman think the accounts of the last year were to be relied on? He was persuaded he did not. With regard to the putting the office of chancellor of the exchequer in commission, he had no such intention; nor if he had, would he have thought of putting the chancellor of the exchequer at the head of that commission, any more than he should have thought of putting the office of master-general of the ordnance in commission, and have placed him at the head of a board of commissioners appointed to control the executive branch of his own department. The sort of committee he wished to institute, might, he said, prove essentially serviceable, by investigating facts, and reporting them to the House, whence they would have the way cleared, and be enabled to proceed with certainty. To a committee of the House, be it composed of whom it would, he was ready to trust that or any other business, because he was convinced by the conduct of a committee last year, that however gentlemen, who were chosen in a committee, might generally differ in their political sentiments, they would always form such a report as would do them honour, and prove of essential benefit to the public, by affording the House a species of useful and

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authentic information which they could not otherwise obtain. Mr. Fox concluded with declaring that he had no objection to leaving out of his motion the words "with their observations thereon." He accordingly moved the omission of those words.

The question being put, the amendment was carried.

Mr. *Burke* rose to say a few words only. He had listened with great attention to the arguments of two gentlemen, whose talents he held in high estimation. The abilities of his right hon. friend he always admired, and the abilities of the Chancellor of the Exchequer he could not but say, he thought worthy of a better conduct. Mr. Burke charged Mr. Pitt with having treated the House with most unparalleled insolence in having dared to make so personal a declaration, that if a committee were chosen, if such a set of gentlemen were elected, they would conduct themselves so and so; and if another set of gentlemen, so and so: parcelling out gentlemen, and prejudging what their opinions and conduct would be, was, he said, so unparalleled a piece of insolence in a minister, that the time was, if the right hon. gentleman had been the greatest minister the country had ever known, he would not have sat an hour on the Treasury-bench after such an insult to the House. He said, he was the person who had called out Hear! hear! when the right hon. gentleman had alluded to the India Bill, and had talked of those who had doomed the Company to bankruptcy. He admitted that such interruptions were not decent; but custom had sanctioned them as modes of expressing approbation or reprehension, indignation, or surprise. He had not cried Hear! hear! because he was sore at the mention of the bankruptcy of the India Company, but because he was sorry, and because he was surprised the right hon. gentleman should have forgot that the learned gentleman, his confidential friend, who sat next him (Mr. Dundas), was the very person who had first stated the affairs of the Company in India to be ruinous, and had done it with an unusual degree of authority, in his character of chairman of a committee, with which, Mr. Burke said, he had not had the smallest connexion. With regard to the appointment of a committee to inquire into the state of the produce of the taxes, Mr. Burke reminded the House, that there was a precedent for such a committee; nay, that the right hon. gentleman had himself been a member of it, and that some of his colleagues upon it had been rewarded with peerages for their pains.

Mr. *Sheridan* desired that the entry from the Journals of the motion, and order for the institution of a committee to inquire into the state of the taxes, during the late war, that had been moved in 1782, might be read. It was read accordingly, and it appeared, that lord John Cavendish, as chancellor of the exchequer, had moved it, and presided at it; Mr. William Pitt, the present Chancellor of the Exchequer, and several other members, being upon it. Mr. Sheridan then said, that when the right hon. gentleman alluded to the idea of putting the office of Chancellor of the Exchequer into commission, he presumed he had forgotten, that he had himself sat upon the commission into which the office was put, when lord John Cavendish was Chancellor of the Exchequer. Mr. Sheridan then went into a defence of lord John Cavendish's budget.

Mr. *Steele* rose to call the attention of the House to the real nature of the question, which, he said, was, whether they would rely on authentic papers, prepared with all possible accuracy by the Treasury, as vouchers that no taxes were necessary to be imposed this year to raise a sum by way of sinking fund, to be applied in diminution of the national debt; or whether they should appoint a committee to go into a tedious investigation of those papers, which would defer the necessary measures of finance, such as moving for a small loan, and proposing a few trifling taxes to pay the interest, providing a fund, and also one per cent. additional for that part of the debt which yet remained to be funded, and for which an interest of 4 per cent. was provided last year, and substituting a new tax in the room of that to be repealed on fustians, for six or seven weeks at least; whereas these were well known to be measures that his right hon. friend would be ready in a very few days to bring forward.

The motion was negatived without a division.

Debate on Mr. Sawbridge's Bill for Shortening the Duration of Parliaments.] May 3. Mr. Alderman *Sawbridge* rose to discharge, what he held to be an act of public duty, though he acknowledged he did not flatter himself with any sanguine hopes of success. Indeed, it was impossible for him to entertain expectations

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that he should be able to carry a motion for shortening the duration of parliament, after the arguments that he had heard stated with so much ability, a few days since, when the question for a reform of the representation was under consideration. According to the doctrines then laid down, and which had been sanctioned for the third or fourth time with the triumph of a considerable majority, it had been unanswerably demonstrated, as far as the sort of triumph he alluded to could demonstrate any proposition unanswerably, that the present constitution of the House of Commons was the right and pure constitution, and such as ought to continue untouched by the rude hand of reformation. If, therefore, it was right, that a number of the representatives of the people should continue to be appointed by the Crown, that others should be seated there at the will of certain great and noble families, and the rest be obliged to buy their seats, and find their way into the House by bribery and corruption; if it was right, that the House should exist principally at the will of the Crown, it certainly would be troublesome and idle for gentlemen to be frequently sent back to a fresh election; and it would be much better for them to continue sitting uninterruptedly, as long as they should, by their conduct, please the Crown and its ministers; because, if at any time, by asserting the rights of the people, and by maintaining the spirit of the constitution, they should chance to displease the Crown and the favourites of the Crown, it would be a very easy matter, by an exertion of the prerogative, to turn them about their business, as was the case last year, and call another parliament more subservient and more pliable. Undoubtedly, to those who held such opinions, his motion must be disagreeable; but as there were persons who entertained very different notions, and as he, for one, was of opinion that the House of Commons ought to speak the sense of the people, and that, in order to do so, they could not be too often sent back to a new election, he should beg leave to move, "That leave be given to bring in a Bill for Shortening the Duration of Parliament."

Mr. *Martin* said, he was aware of the danger any man encountered, of having what he advanced turned into ridicule, when he rose to say any thing in that House which had the real good of the people for its foundation. He was conscious of his own inability, and never rose to speak in the House without great awe and embarrassment; he would nevertheless do his duty, not considering inability to make fine speeches in that House as an absolute proof that a man was either a fool or a knave; but in regard to the converse of the proposition, he had heard very fine speeches from some gentlemen, of whose honesty he did not entertain the highest opinion. He should, therefore, on the present occasion declare, that he steadily adhered to the opinion he had always avowed, and was for shortening the duration of parliaments, as well as for a reform in the representation. He said, he had seen wit, ability, buffoonery, and disputation employed, when the latter question was under discussion, to bear down justice, reason, and common sense; he flattered himself, however, the arguments to which he alluded were treated by the people without doors with the contempt and indignation they merited. Much stress had been laid on the circumstance of there not being many petitions on the table; there was, however, one petition which applied as well to the present question as to that of parliamentary reform; that petition, the noble lord in the blue ribbon had read with a tone and emphasis, that he owned deceived him into an opinion for the moment, that the noble lord, who had proved himself to be the ready leader of opposition on all occasions, where any thing like a reform was proposed, had suddenly become a convert, and meant to support the motion of that day; unfortunately, that had not proved to be the case. He then desired to have the Nottingham petition read; which being done, he concluded with reading, as a part of his speech, an extract from a writer of eminence on the constitution.

The Earl of *Surrey* said, he did not go so far as the hon. gentleman who made the motion, and some others did, upon the subject. Had the House acceded to the proposition of a reform in the representation, he should have thought the present motion unnecessary, because, if that House was a true representation of the people, as it ought to be, he should think there was not any danger likely to arise from its sitting seven, or even more years; but not having been able to obtain a reform, he should vote for the motion, as the improvement next to be desired.

Sir *Edward Astley* declared he should vote for the question. He said, that if

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one parliament could make such a direct violation of the constitution as to pass a septennial bill, and give themselves the power of sitting for a longer period than those they represented chose them for, another parliament might pass a bill authorizing themselves to sit 20 years; in which case the Crown might get the House of Commons entirely into its own hands, and thus effectually destroy the constitution.

The House divided:

	Tellers.	
YEAS	Mr. Alderman Sawbridge The Earl of Surrey -	58
NOES	Mr. Eden - - - - Lord Beauchamp - -	142

So it passed in the negative.

Debate on Mr. Francis's Motion on the Expense of the East India Company's Establishments in India.] May 5. Mr. *Francis* said, he rose to submit to the House the result of his examination of the several accounts of the East India Company's establishments abroad, which had been laid before them in the course of the last twelve months, some of them in obedience to the late act of parliament, and others by order of the House: that he meant to state facts as he found them, with very little observation upon them; because he believed the facts would appear not only perfectly intelligible of themselves, but that they would lead the House at once to every conclusion that he could propose to draw from them, and make their own impression sufficiently deep, without the assistance of any arguments of his: one preliminary observation only was necessary; that, for want of materials respecting Madras and Bombay, what he was going to state would be for the most part confined to the establishments in Bengal, and to the resources or difficulties of the Company's affairs in that quarter. It was the only part of India in which a resource existed, or from which the most distant hope of retrieving their affairs could be formed. In every other quarter the distress existed without the resource: Fort St. George and Bombay hung upon Bengal for their daily existence; their establishments would exhaust a great revenue, and they had none: they were overwhelmed with enormous debts, which increased every day, and they had not a rupee of their own to pay either principal or interest. It followed, then, that in confining himself at present to the state of Bengal, he looked at the Company's affairs abroad in the most favourable point of view. If in that quarter their distresses were great and increasing, if in that quarter their resources were declining and their debts accumulating every day, the House might judge from thence what their situation must be at Fort St. George and at Bombay. The act of parliament required, that a perfect list of all civil and military establishments should be produced; whereas he undertook to shew, that the various accounts which had been lately laid before the House, of the Company's establishments in Bengal, were defective, contradictory, and fallacious. In this place Mr. Francis stated a variety of omissions in the account of the civil establishment of Bengal; and observed, that although the whole civil establishment was stated in one account at the enormous amount of 927,945*l.* and although this account professed to include, as it ought to do, and as the House undoubtedly expected it would do, every expense in the civil department, many articles or heads of expense were left blank, that is, with nothing stated but profits unknown, which he computed moderately at 100,000*l.* a year. One establishment, the marine, he said, was completely omitted; yet it stood in the Bengal estimates for 1783 and 1784, at above 80,000*l.* a year. What sort of information was this to be given to parliament, if the purpose of calling for it was to know the real expense; to compare the expense with the service, and from thence to proceed to reformation and retrenchment? How were they to retrench, or what were they to leave, when in some instances they only knew the employment and office, without the salary and emoluments; and when, in others, the whole establishment was completely kept out of sight? So much for defects and omissions.

He then proceeded to the head of contradictions—That there were on the table three statements of one and the same establishment, viz. the civil establishment of Bengal: the first was, an estimate made by the directors on the 14th of February 1784, 350,000*l.* On this estimate they founded some very important conclusions with respect to the state of their finances, the annual provision of an investment, and to the surplus which their revenues in Bengal were to exhibit, and which they depended on as a sinking fund for the discharge of their debts. The second ac-

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count, containing the particulars of the same establishment, was laid before the House on the 7th of February last, and this made it 927,945*l.* The third account, which was produced the 11th of last month, stated it at 616,556*l.*; and he informed the House, that a fourth account of the same establishment existed, which was made out in November last for the use of the directors, and which differed from all the rest; that made it 764,451*l.*—That gentlemen should observe how these various accounts tallied, the directors, in February 1784, estimate their civil establishment at 350,000*l.* and at that moment a material purpose was to be answered by it. In November following, their accountant made out an account of particulars, which more than doubled that estimate. Another account was produced in February last, which almost trebled that estimate; and, finally, a fourth account was produced last month, which differed from all the rest, and which reduced the amount to 616,556*l.* On these facts, he asked, whether any confidence was to be placed in such contradictory accounts? What real information did they give? what proceeding could be safely founded upon them? It would be said, perhaps, that some charges had been erroneously carried to the civil account, which ought to have been placed to the military. If so, as much must be added to the one side as was deducted from the other. But he did not believe that to be the case; and, if it were, it only followed, that both accounts were erroneous. The governor's body guard made part of the state of the government. It never took the field, and, he believed, had always been considered as belonging to the civil establishment of the presidency. That this, however, was but a petty article in such a total.

Mr. Francis then proceeded to the military establishment. The account laid before the House on the 7th of February last, stated the annual existing charge at 1,078,510*l.* which, he affirmed, was not half the real expense: as soon as he saw it, he had expressed his astonishment at so sudden and so great a reduction of the military expense, which in the last Bengal estimate stood at 268 lacks and a half, that is, very little short of three millions, besides an arrear of 72 lacks, making in all above three millions and a half, was now suddenly reduced to one million. On that occasion the House were told that reductions had actually taken place which would account for the difference. He asked what authority there was from Bengal to vouch for such reductions, and found there was none. The estimate of the year 1784-5 was not received; consequently the account must have been made up by mere conjecture and speculation at the India-house. An hon. gentleman, who was always very good to him, professed to wonder how he in particular could have a doubt upon the subject. He allowed him, Mr. Francis said, even more knowledge of the subject than he pretended to possess, for the charitable purpose of leading the House to this inference, and of leaving this impression on their mind, that he was speaking against his better knowledge, and acting against his conviction. That the estimate of 1784-5 was at last arrived, and the House had now got possession of it. That it ought to have been made up sooner, and to have been in England many months ago; it was dated the 22d of November last. That it ought to confirm the account of existing military charges delivered in by the court of directors, and vouched for by the right hon. gentleman; that the House would find that just the contrary was true. The estimate for the year ending the 1st of May 1785, that is, for a complete year of peace, was at 2,320,149*l.* 12*s.* exclusive of an arrear of 578,124*l.* which made the whole military charge of the year 2,898,273*l.* 12*s.* Instead of this sum, which was the true one, the directors tell the House of Commons, that the charge of the Bengal army is only 1,078,510*l.* Was this a fact or not? Was he justified in saying that the account was grossly fallacious?

From these false, contradictory accounts, Mr. Francis turned to the real state of their finances in Bengal, as he found it exhibited in the estimate drawn up by that government in November last. It was not likely that they should undervalue their resources, or over-rate their distresses. He reminded the House, that the estimate of the preceding year, that is, of the year ending in May 1784, shewed a deficiency of 56 lacks, or about 600,000*l.*; that he had spoken of this as a most alarming circumstance. By way of satisfaction it had been then said, that that estimate did in effect provide for a war establishment; that it included all the arrears and windings-up of the war; and that the deficiency of 56 lacks would be made good in the succeeding year. That the House

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now had the estimate of the succeeding year; and this certainly ought to be considered as a year of peace. But this year, instead of making good former deficiencies, outran all former extravagance. The resources were stated at about 612 lacks, or above six millions and a half; the expenses are 761 lacks, or about eight millions; consequently the deficiency of this single year of peace, of economy, of saving, of retrenchment, of surplus, was no less than a million and a half sterling.

Above fourteen months ago, the directors told the House, that in the estimate of 1783-4, the Bengal government "had charged every debt due by the Company in Bengal, the principal of the bond debt excepted; and had stated all their civil and military expenses, including those of the detachments serving in the other presidencies, according to their highest war establishments, up to the 1st of May 1784, although reductions had been made in those establishments, which, within that period, would begin to operate considerably." The directors farther assured the House, that "they did not see any reason to doubt, but in the year ending the 1st of May, 1785, the commercial profit on salt and opium, and the money received for certificates payable in England, would be applicable to commercial purposes, and a very considerable surplus of revenue remain to be applied in aid of the other settlements, should they still need such aid, or in discharge of the bond debt." They said, that the resources, derived from the revenues in India, were now in a train of considerable improvement. Notwithstanding all these promises, the fact was, that in this boasted year of peace and prosperity, the expenses of Bengal appeared on the face of the two estimates to fall short of the preceding year by only 28 lacks; but that in 1783 a hundred lacks were allotted to the investment, whereas in 1784-5, only 45 lacks were so allotted. If, therefore, the investment was deducted out of both estimates, it would appear, on a comparison of the remaining expenses of the two years, that those of the last year exceed those of the former by 27 lacks. That the directors, in their estimate of the 14th of February, 1784, had promised and engaged to the House, that there would be in the ensuing year (that is from the 30th of April 1784, to the 1st of May, 1785,) a net surplus of revenue in Bengal, to the amount of 1,194,689*l.* exclusive of the net produce of salt and opium, which they stated at 450,000*l.*; these two sums, amounting to 1,644,689*l.* made the net surplus of the year, according to the directors. The real deficiency turned out to be 1,676,411*l.*, which, added to the supposed surplus, convicted the directors of a miscalculation in the resources and disbursements of one year, and in one of their governments only, to the amount of 3,321,100*l.* The House now saw the event of these fallacious promises; in a year of peace, their expenses in Bengal exceeded their resources by a million and a half; the bonded debt in Bengal amounted to two millions, and these were at 30 per cent. discount. The orders on the Treasury unpaid amounted to 144 lacks of current rupees, including the interest due on the bonds, which made about a million and a half, and these Treasury orders were at 15 per cent. discount. Every service, civil and military, was enormously in arrear: in fact, there was no circulation of specie in Bengal. With respect to the promised improvement of the resources of Bengal within itself, the true way to try that question would be, to deduct all draughts on the directors out of both estimates, and then compare the remaining resources of the two years. By this operation, it would appear, that the resources of the last year fall short of those of the preceding, to the amount of current rupees 3,252,785, or about 350,000*l.* sterling. When the House heard that the expenses of the year were charged at 761 lacks of rupees, they would conclude, of course, that a considerable sum was allotted to the investment, yet no more than 45 lacks was so allotted, 22 lacks of which were replaced by bills on the directors: the House would conclude, that at least a provision was made for a remittance to China.

The court of directors in their six years' estimate, reckoned upon 250,000*l.* a year from Bengal to China: the fact was, there was not a single rupee provided or appropriated to that service: that the produce of salt this year was taken only at 30 lacks, whereas in the preceding year it stood at 52; and that the opium produced only three lacks, (76,000 rupees) instead of seven lacks, at which it stood in 1783. What the cause might be of this sudden and extraordinary diminution in the produce of salt and opium, which they had spoken of with so much ostentation, he did not know; but it was a very material cir-

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cumstance. The court of directors, in their six years' estimate, had taken credit annually for 450,000*l.* as the produce of these monopolies, and had appropriated it to their commercial fund. In the first place, the produce fell short by one half of what they expected; and, whatever it might be, the whole was thrown into the general fund, out of which it neither was nor could be separated for any special service. To that amount, therefore, the six years' estimate was annually defective. On the subject of the China investment he had a question to ask, which was naturally suggested by the mention of the salt monopoly. The Bengal estimate made no provision for China, but the directors calculated on 250,000*l.* for that service, to be remitted by Bengal. The question therefore was, by what means the China investment of this year was to be provided? The Company had sent out 18 ships, whose cargoes of tea only, supposing no investment of raw silk, would come to 540,000*l.* at 30,000*l.* per ship. Towards this sum the lead and woollens sent from England went but a little way, and the Company had sent little or no bullion. How was the difference to be provided? Mr. Francis concluded, recapitulating the principal facts on which the motion he proposed to offer to the House was founded. That he had said, that the estimates and accounts on the table were defective, contradictory, and fallacious; he had shewn, that in some instances, they stated offices and employments without salaries, and in others omitted the establishment entirely: that there were four different accounts made up in one year of the same establishment; that they had stated the establishment of the army at much less than half the real expense; and finally, that the directors had taken credit for a surplus of revenue to the amount of a million and a half, when in fact there was a deficiency to that amount, which proved an error of three millions in one year's revenue in Bengal: that false information was worse than none; in absolute darkness there was a sort of security in standing still, but by false lights men were led to destruction: that parliament and the nation had been grossly deceived; that the deception ought to be cleared up. There was one way of tracing it to its source, which he meant to propose; and that in pursuing this inquiry, he did not doubt that he should have the support of the Chancellor of the Exchequer, who had very lately declared, that, in matters of public account, every idea of concealment and disguise was pernicious and disgraceful. His intention was to move for a committee to investigate and to state errors, omissions, and contradictions, which appeared upon the face of the accounts. That inquiry would throw a new light upon the real state of the Company's affairs; the House would then see whether the hopes, the promises, and the assertions, which had been boldly held out to parliament, concerning the prosperous state of the Company's affairs, had any foundation or not; and when they knew the truth, the House would know how to act. He therefore moved, "That a committee be appointed to take into consideration the several lists and statements of the expense of the East India Company's establishments in India, which have been laid before this House in the course of the present year 1785, by the court of directors of the said Company; and also, the estimate of the probable receipts and disbursements of the Bengal government for the year ending the 1st of May, 1785, which has since been received and laid before this House; and to compare the said several papers with each other, and also with the estimates and statements laid before this House by the said court of directors in the course of the last year 1784, and to report to this House the result of such comparisons, with their observations thereupon."

Mr. *N. Smith* (deputy chairman of the court of directors) rose to controvert the facts alleged by Mr. Francis, which, if true, he said, would amount to accusations of a deep and criminal nature against the court of directors and himself; but he trusted their conduct would be found clear and proper. With regard to the estimates that had at different periods been presented by the directors to that House, great pains had been taken to make them with all possible accuracy. It was true, that the present estimate of the probable resources and disbursements of the Bengal government, exceeded the estimates presented last year, und the reason was this: the peace was not concluded so early in India as was expected, and the estimates of last year were made out upon an idea, that every thing could by that time have been put upon a peace establishment; whereas, in fact, the full war establishment was continued for a considerable part of the year,

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which of course caused a great excess of disbursements. Exclusive of that circumstance, there was no other error in the present estimates, but a single mistake, which was, that several articles were put under the head of civil department, that should properly have been ranged under the head of general department. When the estimates were looked to, that would appear, and then it would be seen that the arrears of the army were among the disbursements, from the 1st of May 1784, to the 1st of May 1785. In answer to the remarks of Mr. Francis, that the directors had not given an account of all the emoluments of certain officers of the Company in India, he begged the hon. gentleman to recollect, that the estimate on the table was an estimate delivered for the first time to that House, in compliance with the direction of an Act of Parliament passed only last session. The making it out, therefore, was a new matter, and attended with some difficulty; he could assure the House, however, he had done every thing in his power to have it correct: but the directors were necessarily obliged to ground it on the information they received from Bengal, and there were several officers whose emoluments they had not received accounts of yet from India. Mr. Smith said, the estimate of the next year, he doubted not, would wear a different aspect, as the whole of the army, &c. would be upon a peace establishment, and the directors had sent out the most positive orders, to have the reductions carried so low, as from 200 lacks to 120 lacks. What also induced him to think flatteringly of the growing prosperity of the Company, was, the great increase in the produce of their sales at home, especially of teas, which had put them so much in cash, that the warrants were already signed for the payment of 500,000*l.* in part of the sum due to government for duties, which debt they were not obliged to pay yet unless they chose it.

Mr. *Baring* contended, that the arrears of the army made a great part of the disbursements in the present estimates. The deficiency in the resources was, he observed, 149 lacks, whereas the arrears and other articles, which he enumerated, to the amount of 190 lacks, were among the disbursements over and above the annual expenditure. This it was necessary to remark, lest gentlemen should entertain an impression that the present excess in the disbursements was an annual excess, whereas it was merely an incidental one, and such as would not again occur, provided peace continued in India. Mr. Baring urged the increased prosperity of the Company at home, declaring, that though in their estimate last year, the directors had given themselves credit for three millions and a half only, as the probable produce of their sales, they had actually produced considerably more than four millions. He stated also, that they had bonds to the amount of 700,000*l.* locked up in their chest, besides the 500,000*l.* that they were about to pay to the public. As they were not by law obliged to pay this latter sum immediately, their paying it was a proof in their favour; because it shewed, that although they were not under any obligation to pay off any part of the sum they stood in debt to the public for duties, yet, they were ready, as soon as they came into cash, to act fairly by the public, and diminish their debt.

Mr. *Hussey* said, he had attended at a general court lately, for the purpose of informing himself upon the state of the Company's affairs; and he gave an account of what passed at the meeting, where he had a particular paper read at his instance, which threw great light upon the subject. From this he went back to the state of the Company's affairs in 1772, and again in 1780, declaring the deficiencies at each of those periods, and comparing their situation then with their situation at present. He stated, that according to the estimate of the last year, the directors had led the House to imagine, that their resources in India would exceed their disbursements there, in the sum of 1,500,000*l.*; whereas it was now evident, that the disbursements in India exceeded the resources in the sum of 1,200,000*l.*; a contradiction which, in his opinion, made it highly necessary that a committee should be appointed to inquire into the cause of it; for nothing was more evident, than that parliament had been deceived by the reports and estimates laid before them by the Company.

Major *Scott*. I rise, Mr. Speaker, to reply to a few of those observations which fell from the hon. mover, which I think were particularly pointed at me. The hon. gentleman and myself have been in the habit of sending to the press whatever falls from us in this House. If, therefore, I have mis-stated any thing, my statement of last year, which I now hold in my hand, will rise up in judgment against me; and by that statement I desire to be tried by

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this House and the public. The hon. gentleman appeals with apparent triumph to the estimate lately received from Bengal, to prove that I, and those who agreed with me, have held out hopes to the public which never can be realised; that we foretold it last year, and now we must confess it. But the fact is simply—All my calculations went upon a supposition that peace would be concluded ten months earlier than it was; and that the various retrenchments in consequence of that peace would take place ten months sooner than they did. The peace with Tippoo Sultaun was not signed till the 11th of March, 1784. A very considerable detachment serving from Bengal, upon the coast, could not therefore return before the rains set in, and were obliged to canton for the monsoon in the northern circars. Other military reductions in Bengal were consequently postponed for some months; and the estimate states, that the military expenses from the 30th of April, 1784, to the 1st of May, 1785, would be 206 lacks of current rupees, buildings and fortifications included. But, Sir, if we look forward to the next year, we shall find, that the government of Bengal takes credit for a larger surplus than I took credit for on the 2d of July last. I then stated, "that from the net revenues of Bengal, Bahar, and Orissa, Benares, vizier's subsidy, and the profit upon salt and opium, including also the sale of our imports; there will remain a surplus of one hundred and fifty-seven lacks of rupees for the purchase of future investments; for paying the interest of the bonded debts of India, and for a gradual liquidation of the principal." I took the revenues at the average of former years, after deducting charges of collections. I allowed 130 lacks for the military and contingencies, 50 for civil and marine, and 20 for durbar and stipends. Now, Sir, the court of directors have received, by the Surprise, an official estimate from Bengal, which I moved for two days ago; but by mistaking the title of it, a wrong paper has been laid upon your table. I will, however, read that estimate to you.

"An estimate of the sum which it is supposed may be annually applied in Bengal to the discharge of the honourable Company's debts in India, after the end of April 1785; by which time it is supposed that the reductions required to produce it may take place:

	Rupees
"Total revenues taken at a medium of the gross collections of 1781-2, and 1782-3	459,74,000
Expenses.	
Civil..	40,00,000
Military	120,00,000
Marine.....	6,00,000
Charges of collections, stipends to the Nabob, &c.	95,00,000
	261,00,000

Which leaves a surplus of 198 lacks; 74,000 rupees, for liquidation of debts, and the purchase of investments, instead of 157 lacks, as I stated last year.

Added to an unexpected protraction of the war, the hon. gentleman will consider that several unexpected demands have been made upon the Bengal Treasury for last year. The troops captured by Hyder Ally and Tippoo Sultaun, during the war, amounting to 1,200 Europeans, and several thousand sepoys, had great arrears to receive, some of them two years at least; but these arrears once paid, the charge is at an end. I entirely agree with the hon. gentleman, that Bombay must depend upon Bengal for every thing; but that Madras has no resource, I deny. Lord Macartney states, that for this year, that is, from the 1st of July, 1784, to the 1st of July, 1785, its resources will exceed its charges 33 lacks of rupees and upwards; and that in future this sum will be increased. In short, Sir, there has been no deception in any fact, on the part of the directors. We had reason to suppose peace would be concluded several months before it was, and that the arrears would have been paid off sooner than they will be. I always stated the debts of India, in consequence of the war, at six millions, or six crores of rupees. They are now stated by the governor-general and council at seven crores, 100,000 rupees, of which not more than five crores and a half are upon bond, and bear interest.

Upon the subject of our resources in India, I beg, with the indulgence of the House, to read the following extracts of two letters from Mr. Hastings to me, dated in October and November last, many months subsequent to the period when the estimate commences: "In a letter which I wrote last year to the court of directors, dated the 16th of December, and sent by a new route over land, I promised, or rather declared, my own firm belief, that we should be able before the

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end of this to begin upon the discharge of those debts at interest. I repeat the same conviction by these dispatches; and what is the debt? Not half their annual income; but because there are no lenders, the knowledge and circulation of the Company's bonds being confined to the narrow precincts of Calcutta, people hastily supposed that our credit was lost. The following extract of a letter, which I have lately received from Mr. Croftes, is so much in point, that I add it for a corroboration of the opinion which I have given above, viz. The state of our treasury here is certainly mending. During the scarce months of the year we contrived not to increase our debt; and now that the revenue is coming in, it is certainly decreasing, and the heavy demands from Madras will, I hope, cease very soon. Colonel Pearse's detachment will arrive, and a farther reduction of military expense may be made; all which will, I am convinced, enable government to wipe off all incumbrances very shortly, except the bonded debt, which is so very trifling that it ought never to be considered as an incumbrance. Your last remittances will assist very much; and had it not been for the drafts from Madras and Bombay, which have been beyond all bounds of estimate, Bengal would not at this moment owe a rupee, except its bond. This is a great deal to say the year after the close of a war with all India, and all Europe into the bargain, and withal cargoes of an astonishing value sent home every year during this expensive war."

In November, Mr. Hastings says, "In a letter written to the court of directors last year, I gave them hopes that all our treasury orders would be discharged, and that we should begin upon the payment of the bonded debt by this December—if no other payments had been made than such as I had a right to estimate, the event would have come to pass—I should reluctantly have consented to allow Fort St. George ten lacks in the whole year.—they have drawn since December near 69; and I suppose the remittances on this month and the next will make the amount 75, which is an excess of 65
The Bombay remittance was in the same period 33, and may be 35. I state the excess at 15
Six regiments of sepoys, which ought to have been disbanded in March, but were not 5
General letter of 15th of June, throwing on the Treasury a debt of 40

Total excess ... 125 lacks
Our bonded debt, including interest, is 169,00,000
Demands on the Treasury ... 115,00,000
284,00,000
Our annual income..... 459,74,000

After having read these extracts, I shall now, Sir, beg leave to say a few words upon the accounts of the civil and military expenses in Bengal; and as often as the hon. gentleman states that the civil expenses amount to the enormous sum of 927,000*l.* so often shall I tell him that he misleads the House intentionally. He knows, and the hon. director under the gallery has told him, that the account should have been called a general account; for it includes civil, revenue, commercial, and military. This the hon. gentleman knows at the time he accuses the directors of fallacy and ignorance, for stating in one account that the civil expenses are 380,000*l.* and in another, that they are 927,000*l.* But, Sir, we may now have actual accounts before us that no one can dispute; for by the last packet an account has been received of the salaries and emoluments of all the Company's servants, in the civil, revenue, and commercial departments, beginning with the governor-general, and concluding with the youngest writer—including also the commission upon the revenues, upon salt, and every other emolument. The total amount at the rate of exchange at which bills are granted in Bengal, is *555,539l. 4s. 3d.* The hon. gentleman, after stating against his conviction that the civil expenses of Bengal amounted to 927,000*l.* says, that enormous as this charge is, several offices he left out; and he instances four, the contract for draft and carriage bullocks for the army, that for elephants and camp equipage, the manufacture of gunpowder, and the victualling Fort William. Why, Sir, did ever any body hear of these charges being classed under the head of civil charges? They are military, [Mr. Francis called out, 'No,' across the House] I repeat, Sir, they are, and ever were. What, the expense of the bullocks employed in drawing your artillery, and of the elephants used for carrying the camp equipage, not military charges! But

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if the hon. gentleman will not believe me, let him look to the estimate that he has said so much upon. He will there see that in the 206 lacks of military charges, are included all these heads of expense. One word more, Sir, relative to our military establishment. A short time ago I stated, that I believed in my conscience our army expenses were reduced to 120 lacks. The official accounts at the India House state, that from April last it would be redueed to 120 lacks; and I repeat again, that the accounts now received more than justify every thing that I have said of the ability of Bengal to pay off all its debts, and to support Bombay.

Mr. *Burke* wished to know of the deputy chairman of the Company, from what resources the investments of the 16 or 18 ships that had been sent out to China, had been provided for?

Mr. *N. Smith* said, there were certain points to which it would be highly imprudent for him to give any reply. We had a monopoly of the trade to India; but though that prevented any attempt to cope with the Company on our part, it did not preclude foreign rivals from coping with them; and any thing that could give them an insight into the credit of the Company would be wrong, and what he should imagine that House would not press for. The first merchant upon the Exchange of London, if asked of what his credit consisted, would not state it; in like manner it would be highly imprudent for him to state in that House, of what the credit of the Company consisted, in the moment that the Company was about to make use of its credit: thus much he would say, by way of general explanation, that the investments of the China ships were provided, and that he had no doubt but the Company would maintain its credit both at home and abroad in all respects.

Mr. *Burke* said, he should be the most importunate man alive, if he were not perfectly satisfied with the answer he had received. The amount of it was, that the 16 ships were sent to China on credit. This was, he observed, a curious reverse of the statement of last year's estimate. In that they would find certain funds estimated as those that were to pay for the China investments; funds, which now no longer existed. Mr. Burke reprobated the conduct of the directors, and commented on Mr. Smith's having said, when they came to make out the estimates ordered by the Act of the last year, that it was a new matter, a matter to which they were strangers, and a matter of some difficulty. He said, of Mr. Smith's speech, that it was an attempt to make up the deficiencies in the fund of performance, by having recourse to the fund of promise; a fund which the directors had at their command. He said, if the Company were to be retrieved at all, it must be by their revenue in Bengal answering their disbursements; a circumstance, of which the present estimate afforded no hopes; much less was there any hope of the Bombay and Madras presidencies producing resources equal to their expenditure. He took notice of major Scott's quotation from the governor-general's letter, in which it was stated, that lord Macartney had written to Bengal, that the resources of the Madras government would be more than equal to the disbursements. His own opinion had always been, that, so far from expecting to derive resources from that ravished and ravaged country, the Carnatic, supplies must be sent out there from Great Britain, or that the country would be lost. This had uniformly been his language upon the subject.

The question was called for; and before it was put, a few members calling out to the strangers to withdraw,

Mr. *Fox* rose and said, that from the word 'withdraw,' he saw, what he could not have imagined before, that there was a design to divide upon the motion. He owned his astonishment at this, since not one word had been said in reply to any one of his hon. friend's facts. How the House could reconcile it to themselves to divide against the appointment of a committee, he was at a loss to imagine; but those gentlemen who were directors of the Company, he presumed, did not mean to divide, because if they did, they pleaded guilty to the charge alleged against them, and confessed the whole of it to be true. The charge was, that the accounts that had been at different times presented by the directors, were fraudulent, fallacious, and delusive. Were the directors who had seats in that House willing to admit that they were so? Mr. Fox censured the conduct of the directors in terms of great warmth; he said, their conduct had uniformly been calculated to deceive the public and that House. They had always fashioned the estimates of their affairs to meet the moment, and totally disregarded whether they were founded or not. Thus, the estimate of the last year had been, as

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it was now admitted, to be grossly incorrect; again, the estimate upon the table was stated to be incorrect even by the deputy chairman himself, who had given another statement of his own, which he had asserted to be the true one. Thus had the House been led on from fallacy to fallacy, and from fraud to fraud; and as soon as either was detected, resort was had—not to defence, not to argument, but to new promises. Thus criminal neglect was made the ground of future confidence. And as fast as one set of promises were violated, a new set were held forth, and the House was called upon to become again the dupes of those who had before deceived them. It had been urged, that the state of the Company's affairs at home was in a flourishing way. Thus, whenever the Company were attacked upon the state of their affairs in India, the directors immediately talked of the state of their affairs at home; and when the state of their affairs at home was the subject, then the state of their affairs in India was urged. This was of a piece with the whole conduct of those in office: it was like their coming down and boasting of the prosperous state of the finances upon the ground of multiplying the produce of a quarter four times, and selecting a quarter so to multiply that had eleven days too much in it; or a minister's taking the best of all possible quarters, and comparing it with the worst of all the quarters of the preceding year. [Mr. Pitt and the Master of the Rolls laughed.] Mr. Fox said, with some warmth, he saw he was treated with personal indecency by the right hon. gentleman, and by another hon. gentleman, whose indecency was a matter of mere indifference to him. He disregarded the incivility of such conduct, and held it in contempt. It was sufficient for him to be convinced he was completely in the right on the question of finance discussed the other day. So convinced was he of this, that he would risk his reputation on the two statements; and he thanked God a time would come when they should have an opportunity of knowing who was in the right, and who was in the wrong in that matter, in like manner as they had that day had an opportunity of detecting the fallacies and falsehoods of the former estimates of the directors of the East India Company. Mr. Fox reasoned on the excess of the disbursements, and upon the resources being *minus* three millions. He coincided with his hon. friend, in thinking that lord Macartney had not authorized any person to declare it as his opinion, that the resources of the Madras government were equal to the expenditure. He said, he had reason to believe that the noble lord's private opinion was different. He repeated his argument, that to vote against the appointment of a committee, would be directly to say to that House, and to all the world, that the charges that were stated against the directors were all true, and therefore they dared not face an inquiry. He reminded the House of the committee that had sat last year, all of whom, excepting only two gentlemen, were men of known attachment to the minister, and yet that committee had made a report full of useful information and judicious remark. He reasoned upon this, to shew that a committee of that House, let them be nominated by whom they would, might always be depended upon for an impartial report; because men of honour, be their political attachments what they might, would not act upon principles that were disgraceful. He urged the House, therefore, for its own character and credit, to accede to the motion; at any rate, he trusted that the directors would vote for it, as it was grounded on their own statements.

Mr. *Pitt* began his speech by replying to that part of Mr. Fox's, in which he had complained of being treated with indecency. He observed, that, considering the extreme decorum which at all times distinguished the arguments of the right hon. gentleman, considering the coolness and moderation of his language, together with the measured propriety of his manner, he had certainly a very substantial ground of complaint, if any thing like disrespect and indecency were offered to him. For his own part, as it was far from his intention to be guilty of such a breach of good breeding, he was ready to do on that occasion what he had seldom done before, and what he believed he should seldom do in future, namely, to make him an apology. This he was the more willing to do, as it would afford him an opportunity of explaining to the House the nature of the alleged offence, and the cause which had given rise to it.

He had long, he said, admired the great abilities, and the surprising powers of argument and eloquence with which the right hon. gentleman was so eminently endowed; but there were also other qualifications belonging to him, which had not

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escaped his wonder, in the general view and contemplation of his character. It was, he said, the display of some of those qualifications during his late speech that had given occasion to that conduct, for which the House had just then heard him so severely censured. The right hon. gentleman, finding the present question not applicable to any of his favourite purposes, had, with his usual ingenuity, and agreeably to his usual practice, contrived to introduce another subject, better calculated to afford him an opportunity of gratifying his passions and resentments, and of giving vent to those violent and splenetic emotions to which his present situation so naturally gave birth;—a situation, in which, to the torments of baffled hope, of wounded pride, and disappointed ambition, was added the mortifying reflection, that to the improvident and intemperate use he had made of his power and influence, while they lasted, he could alone attribute all those misfortunes to which he was accustomed so constantly, so pathetically, but so unsuccessfully, to solicit the compassion of the House. Feeling, as he did, for the right hon. gentleman, he declared, that he should think it highly unbecoming in him to consider any of his transports, any of those extacies of a mind labouring under the aggravated load of disappointment and self-upbraiding which at present were his lot, as objects of any other emotion in his breast than that of pity, certainly not of resentment, nor even of contempt.

What the particular action or expression of countenance was, that had given such uneasiness to the right hon. gentleman, he could not well explain to the House; but he remembered that, at the time, it proceeded from no other impulse of his mind, than that of surprise at the singular adroitness with which he found a dry and insipid question of account converted into a subject for such sublime and spirited declamation, as that with which the House had just then been entertained; and he could not but think, that, considering all circumstances, there was great judgment in the change which the right hon. gentleman had made, as so much better adapted to his purposes, his talents, and his information. But though the right hon. gentleman had been so fortunate as to introduce a variety into the debate, well calculated to display the lustre of his oratorical capacity, he had unluckily hit upon a subject that in other respects did him but little credit. He wondered that the right hon. gentleman did not consider, that, in bringing back the recollection of the House to the object on which he had some few days ago engaged their attention, he must also remind them of the event of that day's debate, and serve to imprint more lastingly on their minds the situation to which he had reduced himself by his conduct on that occasion—a situation, which, were it his case, he confessed he should himself look back to rather with humiliation and self-reproach, than with pride and exultation. But he admired the fortitude and philosophy with which the right hon. gentleman persisted in his favourite purpose, be it what it might, even though shame and disgrace stood in his way. He drew, however, a happy omen from the warmth with which he espoused the present motion, and from the affinity which was endeavoured to be established between it and the former motion, which had been thus irregularly alluded to; wishing that the consequence attending this attack on the credit of the East India Company, might be similar to that which had already followed the several reiterated attacks on the public credit of the nation, viz. a great and rapid increase in the value of the stocks. He lamented, therefore, that the argument of this day could not be known in India as speedily as that of the former was in England, because by that means the happy effects of it would in that quarter be no longer delayed. When he considered the latitude which the right hon. gentleman had given himself in the use of his expressions, and compared it with his extraordinary sensibility to a silent and almost imperceptible relaxation of features, he was inclined to suppose that the doctrine of the right hon. gentleman was, that a silent spectator ought to endeavour, by all possible means, to avoid even a look that might give offence, while he that was speaking had a right to consider himself as absolved from all the restraints of moderation, good manners, or even common decency.

With respect to the motion before the House, he was surprised to hear from the right hon. gentleman, that he had not expected any opposition to it, until the order had been given for strangers to withdraw; for if he had listened to the arguments of a right hon. friend of his behind him (Mr. Burke), he would have seen, that they were all founded on an idea that such an

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opposition was intended; and he would take upon him to say, that there never was a motion which merited an opposition more strongly than the present.

The two most obvious grounds for such a committee as was required, were either to ground on their report a charge of criminality against the court of directors, (and a very high degree of criminality it would be, if they should be found to have wilfully attempted to deceive the House in their statement of the resources and disbursements of the Company,) or else to gratify an idle curiosity by an inquiry, which, when finished, would be wholly useless, and inapplicable to any desirable purpose. With respect to the directors being liable to any charge for an intentional mis-statement to the House, that, he observed, was entirely out of the question; as the statement, which was alleged to be fallacious, was not a positive account of disbursements already made, and resources at the time in being, but of what was expected to be the amount of both, in case a circumstance, which was at the time shortly to have been looked for, should take place, namely, the conclusion of a peace. That peace having been deferred for nearly a year beyond the period when it was expected to have taken place, had of course made a material difference between the fact and the hopes of the directors, by considerably increasing their disbursements, and diminishing their resources. From hence the inaccuracy of the account, and the innocence of the directors, were perfectly reconcileable to each other; for he presumed there was no gentleman would contend, that in a speculation of so uncertain and distant a nature as the affairs of the East India Company, there could be any criminality in being unable to foresee such accidental events, as might naturally take place to derange an estimate calculated without any view or prospect of such accidents. This being the case, he must conclude, that the other motive, (that of curiosity), was that to which the House was indebted for the present motion. Such a motive as this he would by no means give way to, when by so doing he should involve any number of gentlemen in an unnecessary and troublesome inquiry. Such a curiosity as this, if once indulged, would still continue to gain ground and to increase, and at length, perhaps, the House would be applied to, to appoint a committee to consider and make their observations on every single dispatch that should arrive from India. Indeed, if this principle of curiosity formed any part of the system of parliamentary proceedings, he remembered a time when it might have been applied with peculiar propriety: he thought there could not have offered a more interesting, nor a more curious object of such an inquiry, than "what were the motives upon which the right hon. gentleman and his friends had framed their celebrated plan of East India regulation last year, and what might have been the effects naturally to be expected from thence, had it been carried into execution?" When it was considered to what a surprising extent the bold and aspiring authors of that plan had endeavoured to carry it; that it embraced the whole of the executive government, the whole of the patronage, and, in short, every political function of the Company, and transferred them all to the right hon. gentleman, in such a manner as to have secured to himself and his friends a power over this country, as well as over that, which should have continued to last until, by a few more such experiments on both, they had rendered either no longer worth the holding; when it was considered that it had been complained of, that one source of the calamities of the Company proceeded from the too great influence of patronage, and the abuses to which it had been made instrumental, and yet, that, to cure these abuses, that very influence from which they sprung was to be increased to such an extent, and modelled in such a manner, as to leave no hope of its not being used to much more dangerous purposes than any yet known, except from the acknowledged immaculacy of the hallowed hands in which it was to be placed; under such circumstances, he contended, a parliamentary inquiry would have been a most interesting and beneficial experiment. He had, he said, in his hand, a list of the officers which that famous Bill made removable at pleasure, a few of which he would mention to the House, in order that they might judge whether the universal opinion which that business had given rise to, of the evils likely to result from the increase of patronage, and the placing that patronage in dangerous hands, could be called, with any regard to the meaning of the word, a delusion—here he read, besides the governors and council, one place of 25,000*l.* per annum; one of 15,000, five of 10,000, five of 9,000, one of 7,500, four of 5,000, twenty-three

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of 3,000, and so on till he came to places of one thousand, which he observed, were, in comparison with the others, so trifling, as hardly to be worth his mentioning.

There could, he said, be but one other motive for appointing the committee; and that was, to discover the true state of the Company's affairs, in order to give them such relief as they might appear to be in need of. If this was the idea on which it was suggested, he was surprised to find in the right hon. gentleman so very forward and unusual a liberality towards the Company; for, setting aside the desperate attempts which he already had alluded to, on their interests, he had, since that period, made a most violent opposition to the granting of them that relief which they applied for in the last session of parliament; and now, when they demanded no such assistance, was he desirous of imposing it upon them against their consent, though he had so recently endeavoured to withhold it from them when they thought it necessary. Upon the whole, he concluded with saying, that if he had come down to the House perfectly uninformed on the subject, he should, notwithstanding, have learned enough from what he had already heard in the course of the debate, to be able to make up his mind as to the impropriety of appointing the committee; a measure that should therefore meet his most hearty negative.

Lord *North* said, the right hon. gentleman had urged a considerable share of argument, a considerable share of invective, of praise of himself, and of insinuation against others; but he had not advanced one sound reason why a committee should not be instituted. Instead of overthrowing the statements of the hon. mover, the right hon. gentleman had recommended to the House, not candour nor fairness, but what must indeed be deemed a nobler virtue; he had recommended courage; and in such a recommendation he had acted wisely; for if ever courage was particularly necessary, it was when an assembly was called upon to act in defiance of conviction, and to vote against a motion, in support of which many strong reasons had been assigned, and against which no one reason whatever had been attempted to be advanced. To act under such circumstances, and in such a manner, gentlemen must be courageous; for without arming themselves with more than an ordinary share of parliamentary courage and parliamentary fortitude, it would be impossible for them to deny, what there was no parliamentary precedent for refusing. As the better sort of valour was discretion, his lordship advised the House to inquire before they decided, and to take proper means of being sure they were in the right, prior to their giving a vote that they might afterwards see cause to believe had been wrong. The right hon. gentleman had declared that he understood the meaning of the contradictions in the different estimates. Perhaps he did; but in order that he might understand them too, his lordship said, he wished a committee to be appointed. Instead of allowing that measure, the right hon. gentleman had offered himself in lieu of a committee, and desired the House to be content with his observations upon the estimates. His lordship defended Mr. Fox's East India Bill, and stated the places which Mr. Pitt had alluded to, one of 25,000*l.* a year, two of 10,000*l.* a year, &c. as the abuses which that Bill was calculated to correct, by removing the patronage from the hands of the governor-general in India, and placing it in the hands of a committee here at home, subject to the control and under the immediate eye of parliament. He mentioned the ordering the doubtful claims of the nabob of Arcot's creditors to be paid, as an instance in which the right hon. gentleman's board of control had shewn some of that courage which he had doubtlessly infused into them. He took notice of the manner in which Mr. Pitt had attacked Mr. Fox, and said, that though the right hon. gentleman could not bear the least allusion to his own conduct in the late debates on finance, he rarely ever rose without taking occasion to come souse upon him with some severity on the subject of the American war; a severity, however, which he owned he felt the less, from knowing that there were those near the right hon. gentleman full as responsible for that measure as he was, and from feeling that he had no sort of right to complain of the right hon. gentleman's using him worse than he treated his friends. His lordship took notice of the arguments that had been urged on the score of the Company's growing prosperity, and adverted to the Relief Bill of the last year, in which the Company, who had come to parliament *in formâ pauperis*, were at once deemed both rich and poor, and treated accordingly, being as beggars relieved from their pretended distress, and allowed as wealthy men to make a larger dividend

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than they had ever been allowed by parliament to make in their most flourishing situation. The right hon. gentleman had said, he wished the East India Company well. So he did. He had more than once declared the interests of the Company were so involved and wrapped up in the interests of the country, that it ought to be relieved when really distressed, and it must be a matter of general joy when its affairs prospered.

The House divided: Yeas, 45; Noes, 161.

Debate in the Commons on the Excise Jurisdiction Bill.] May 6. Mr. *Beaufoy* rose and said:—I gave notice to the House yesterday, that I cald this day ask their permission to bring in a Bill for the purpose of correcting and defining the jurisdiction of the Commissioners of Excise, and for extending the right of Trial by Jury. My attention to this subject has been strongly excited by observing, that if an Englishman be asked what is the privilege that chiefly constitutes his civil freedom? his answer is, 'the right of trial by jury.' If he be asked, on what he chiefly relies for the continuance of his political liberty? his answer is still the same, 'on the right of trial by jury;' for he thinks this privilege a more certain protection from arbitrary power, than that which arises from a branch of the legislature being appointed by the people. Yet this essential privilege, the object of his passionate attachment, is often denied him in questions of revenue; it is denied him in all cases that are determined by justices of the peace, or by the commissioners of excise.

In suggesting a remedy for this defect in our laws, I think myself fortunate in being able to say, that the evils which the Bill proposes to reform, are marked out as objects of just uneasiness, and of well-founded national alarm, in the writings of a great man, from whose Commentaries the legislators of this kingdom, generally speaking, derive their knowledge of the laws. "The procedings of the Excise," says Blackstone, "are so summary and sudden, that a man may be convicted in two days time, in the penalty of many thousand pounds, by three commissioners, or two justices of the peace; to the total exclusion of the trial by jury, and disregard of the common law." The proceedings are sudden and summary indeed! In eight and forty hours the subject may be convicted in penalties that shall devour his whole fortune, that shall strip him of the means of life, and reduce him at once from affluence to beggary. If the penalty is greater than he is able to discharge, imprisonment inevitably follows, and that, too, of a duration to which the law has assigned no limit. And what, Sir, is the sort of evidence that is required to bring this ruinous conviction on the subject? The evidence of a single witness is sufficient—of a witness under the strongest temptation to perjury; for if he establishes his charge, he is entitled to one half of the goods that are forfeited, together with one half of the penalties that are levied, as a premium for his accusation. And who are the judges that are to decide the cause, under circumstances so perilous to the subject? Two justices of the peace, or three commissioners of excise; men who in no respect are the peers of the accused: for where is the tie that connects their situation with his? What have they in common with him, that can lead them to dread that his case may hereafter be their own? His interests are not their interests, nor his feelings their feelings. If they extend the burthen of the law beyond the reason of the law, they themselves cannot feel the weight of its oppression. Let it be remembered, too, that the Commissioners of Excise are removable at the pleasure of the Crown. As dependent officers of the revenue, they are in some measure parties to the cause; and should their decision be unjust, to whom shall the sufferer complain? who shall receive his appeal? I hear it said, 'the Commissioners of Appeals.' Sir, there is no such tribunal. From the first establishment of the court, in the reign of Charles 2, they are said to have met but once: and for the last 30 years they have not met at all: they exist only as pensioners to the Crown. Now, except to this shadowy court, which in practice has not, and from the nature of its institution never can have, any real existence, there is no tribunal to which the subject, if aggrieved by the judgment of the commissioners, can possibly appeal. You, Mr. Speaker, well know, that if any of the superior courts pronounce an unjust decision, a writ of error gives relief to the subject. If the judge misleads the jury on a point of law, a new trial, grounded on the misdirection of the judge, opens again the avenues to justice. In a variety of cases, an appeal to the House of Lords rescues the cause from the jurisdiction in

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which it was first decided, and brings its merits to a new discussion before the most august tribunal at this time existing in the world. But the Commissioners of Excise acknowledge no superior jurisdiction; they contend, that if they pronounce an unjust decision on the accused, every avenue to justice is barred against him. Such are the courts of summary and sudden jurisdiction, whose proceedings Blackstone represents as abhorrent to the general law of the land. But while I describe in their full magnitude the objections to the courts of summary procedure, I am perfectly aware that they have also their advantages; and that those advantages are of the highest importance to the ease and convenience of the subject, as well as to the interests of the revenue. To the subject they are obviously beneficial in all those cases in which the value in question is too small to sustain the expense of a trial by jury. To the interests of the revenue they are essential in all those cases in which the procedure of the ordinary courts would be too slow to arrest the progress of fraud, till losses of a dangerous magnitude have been incurred. If, for example, a distiller should refuse to pay the duty with which he is charged, and on that account should be sued, as the law directs he shall, for double the amount of the duty he so withholds, it would be dangerous, indeed, to proceed against him in any court that has not a summary procedure; for as the sum which a distiller pays is often from 12 to 15,000*l.* a week, it is evident, that before the slow process of a trial by jury could give effect to the law, the distiller would have acquired a vast fortune, and have removed with his wealth to another kingdom.

But, though it be obvious, that the summary courts are necessary in some cases, for the security of the revenue, and expedient in others, for the convenience of the subject, yet it is equally evident, that the subject ought not to be deprived of his trial by jury, in cases in which no advantage can follow either to the revenue or himself. There ought to be but two interests in question; the interest of the revenue, and the interest of the subject: but, unfortunately, a third interferes, the interest of the officer. I do not mean that sort of interest which is connected with the interest of the revenue, and which arises from the officer's being in some measure the associate of government; for the interest I mean is purely selfish, and is founded on considerations of private animosity and personal hatred towards the accused; or on considerations pecuniary and sordid. To the malignant effects of this private interest in the officer, it is owing, that in causes of the greatest magnitude the benefit of a trial by jury is frequently withheld; and the subject, in cases in which his all is at stake, is confined to the sudden and summary jurisdiction of the arbitrary court. To remove this obvious hardship, which brings with it no benefit to the revenue, while it oppresses and irritates the subject, is the chief purpose of the Bill that I wish to have the honour of presenting to the House. The Bill proposes to give to the subject, with certain exceptions, and on certain conditions that are necessary for the security of the revenue, an optional right to a trial by jury in all questions of excise. In all cases, whatever be the magnitude of the cause, the subject will esteem this option an inestimable privilege. Should the value in dispute be small, the subject, if I know the spirit of my countrymen, will often say, "It is true the worth of the goods is trifling, and the penalty itself inconsiderable; but I will not be branded as a fraudulent trader at the pleasure of any arbitrary court, I will throw myself upon my country, I have confidence in the justice of my cause, and, whatever be the expense, I will be tried by my peers." Such will often be the language of the subject in causes comparatively trifling; but should the value of the seizure, on the contrary, be great; should the forfeiture of the goods bring other penalties along with it; should the whole fortune of the accused, his means of life, his liberty, should they be all at stake—in that case, how will he rejoice to find, that those who are to sit in judgment upon him, are men of like interests and feelings with himself! Thus, the Bill proposes to give the subject, in every case in which he chooses to claim it, a right of trial by his peers.

To this general rule there is unavoidably one exception, which is the same I mentioned before, that of a prosecution for the payment of double duties. This is the only exception, for it is the only case in which the interests of the revenue can sustain a loss by the delay that attends the process of a trial by jury; and fortunately it is such an exception, as can be productive of no injustice to the subject; for the nature of the case leaves nothing to the discretion of the court. In the first

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place, the charge itself, if true, may be easily established, and if false, may as easily be disproved; for whether the defendant has or has not paid, on the day prescribed by the law, the duties which he owed to government, is a fact of notoriety and easily ascertained. If the money was really paid, it must have been paid to the collector, probably in the presence of the clerks of the office, and of many witnesses who attended on the same day, for the same purpose; but at any rate, the usual security of a receipt furnishes a proof of payment. In the next place, it is evident, that if the existence of the offence be proved, the extent of the punishment in no degree depends on the pleasure of the court; it is strictly defined by the law, below the limits of which it cannot be mitigated, and beyond which it can as little be extended: nothing, therefore, either as to the proof or punishment of the offence, is left to the direction of the judge; and with this single exception, an exception as harmless to the subject, as necessary to the revenue, the right of a trial by jury is given in all questions of excise. Permit me, Sir, before I conclude, to observe, that when I complained of the hardships of the excise laws, and of the despotic constitution of its court, I meant not to complain of the persons who preside in that tribunal, and by whom these laws are dispensed to the people. The conduct of the present commissioners has been uniformly mild and lenient. The example of those who fill the highest offices of the law has discountenanced, in the inferior jurisdictions, all malicious attacks on the civil rights of the people. There were times, indeed, when zeal for the Crown was supposed to imply enmity to the subject. There were times when the attorney-general thought himself officially the stedfast foe of the people. There were times, when those who sat on the judgment seat were parties against the accused; were forward to convict, and eager to condemn:—the zeal of the executioner inspired the decisions of the judge. But this judicial despotism has fortunately passed away with those ill-fated and arbitrary reigns from which it received its birth. In the character of the learned gentleman near me, to whose office the power of prosecuting on behalf of the Sovereign belongs, the subject reads with satisfaction his own security from the apprehensions his ancestors were compelled to bear. In his conduct a faithful and firm attachment to the service of the Crown is seen in every step of its progress, accompanied by an anxious solicitude for the civil rights of the people. In his hands the terrors of the law are reserved only for the guilty. The judges of the present day are the objects of the people's highest veneration. Placed upon an eminence on which the variableness of politics, the shiftings of administrations, and even the awful event of the decease of the Sovereign himself, are productive of no change, the people receive their decisions as the decrees of unbiassed wisdom, of pure disinterested justice. When persons of such high characters preside in the superior tribunals of the kingdom, even these courts of jurisdictions that are not dependent upon them, are conscious of restraint in the exercise of arbitrary power. Thus, Sir, I have endeavoured to give the House an account of a Bill that has for its object the harmonizing the interests of the revenue with the rights of the people, by giving security to both. I beg leave to move for leave to bring in a Bill "to explain and amend the laws now in being, giving jurisdiction to the commissioners of excise, and the justices of the peace, in matters relating to the revenue of excise or inland duties."

Leave was given to bring in the Bill.

Debate on the Budget.] May 9. The House having resolved itself into a Committee of Ways and Means,

Mr. Chancellor *Pitt* rose, he said, in performance of the most unpleasant part of his duty, that of proposing to the committee the imposition of new burthens on their constituents, for the purpose of answering the necessary demands of the public service. It was, he was sufficiently persuaded, as much a matter of regret to other gentlemen as it could be to him, to find themselves called to the painful task of providing for the exigencies of the late calamitous and unprofitable war, in order to bring back the country to its former vigour and importance, and give stability to its strength and prosperity. He should begin by stating to them the amount of the several articles of supply that had been voted, and that remained to be voted for the service of the current year, and would afterwards state the ways and means to answer them, in order to shew what the deficiency was that he must provide for, and what taxes it would be necessary to propose. He said, he was under no apprehension that when they perceived the

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indispensable and absolute necessity of creating efficient and certain funds for that purpose, any dread of popular discontent would discourage them from the duty which they owed to the people, whose welfare and security alone was the object in view. He referred the committee to the papers that had been laid upon the table, which shewed, that although we were at peace, yet the expenses incurred by the war were still felt, and so strongly, that it was impossible to assert we were yet come to a peace establishment in our finances. He should begin by stating to the committee the particulars of the current service and of the unfunded debt. The Navy came first, and under this head there were 18,000 men, 933,000*l.* Ordinary, 675,307*l.* Extraordinaries, 940,000*l.* Total of the Navy, 2,548,307*l.* This, he said, was in truth a most enormous sum; but still it was such an article of expense as could not occur in future, because it was only one of the recent effects of the war, which of course would be at an end now that a peace was established. He accounted for this expense continuing so long after the conclusion of the war, partly from the many and weighty contracts which it had during the war been found necessary to make, and which, though not yet perfected, it was still necessary to abide by, and partly by the number of our ships in distant parts of the world, many of which had not yet returned home.

The next article was the Army, and this also was larger than gentlemen might imagine, for the army estimates were not yet reduced totally; but when the committee came to recollect, that it was impossible to make all the reductions necessary for a peace establishment at one time, they would see, that although the sum was great this year, there was the pleasing hope of the next being considerably less; however, the sums voted for the army amounted to 2,286,263*l.* With respect to the Ordnance, a variety of expenses had occurred, which were owing in a great measure to a settlement which had taken place, and which was a measure extremely necessary: he meant the making provision for that part of the ordnance debt, which was unprovided for, and not included in the estimates of the year 1784, which amounted to somewhat more than 40,000*l.* Therefore, including that with the sums that had been voted this year, the Ordnance amounted to 392,855*l.* The next article that he had to mention, the Deficiencies, was extremely heavy, and disagreeable to relate; but as it became his duty to lay before the committee a thorough state of the finances of the country, he should do it with cheerfulness. The Deficiencies amounted to 1,612,908*l.* The Malt and Land tax, in general, had been over-rated; they had been taken at 2,750,000*l.*; but he saw from experience they produced no more than 2,450,000*l.* which was a deficiency of 300,000*l.*; and the deficiency of the funds which were appropriated to the paying of certain annuities, amounting to 1,208,717*l.* had been obliged to be made good out of the Sinking Fund.

There were several sums which he should lay before the committee that had been voted for Miscellaneous Services as usual, and they were as under: Plantations 34,695*l.*, Somerset House 25,000*l.*, African Company 13,000*l.*, Museum 3,000*l.*, Commissioners for stating the Public Accounts, 9,000*l.*, Addresses of the House 2,950*l.*, American Loyalists 62,638*l.* Besides which, it was proper to state to them, that he should on a future day take notice of the arrears of the 4½ per cent. that was due on the duty of the Leeward Islands; and it was right that he should apprise the committee, that he would on a future day of supply move for the sum of 56,000*l.* to be paid for that purpose; which made the whole of the last year's expenditure amount to 9,737,868*l.*

The whole of the sums voted were: Malt 750,000*l.*, Land 2,000,000*l.*, Exchequer Bills 2,500,000*l.*, Surplus of Sinking Fund to the 5th of April 1785, 702,539*l.* Army Savings 231,579*l.* Total voted, 6,184,118*l.*

The sum therefore wanted to be voted was 3,553,750*l.*; but it was proper to relate, that there had been paid into the Exchequer the sum of 199,561*l.* chiefly arising from balances which had lain in different paymasters hands, who had begun to pay them in; and the sum of 4,798*l.* which arose from the receipt of small duties. The surplus of the Grants in 1784 had amounted to 66,161*l.*; and the growing produce of the Sinking Fund, calculated to the 10th of October, 1785, was no less a sum than 3,128,867*l.*; but still it would require near one million more to make good the supplies that had been granted. In borrowing that million, he had turned the matter seriously in his mind; and considering the state of the

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funds at this day, and their probable improvement in the course of another session, he deemed it to be much the most prudent scheme not to fund this million; but to borrow it from the Bank at 5 per cent., by which the public certainly would gain a saving, that could not arise from going to open market. From this mode there was another advantage. The Bank were to pay the money as the necessities of government called for it; and the interest was to be paid on the sums as they were called for; and only from time to time. The interest on this million, therefore, amounted not quite to 50,000*l.*; but as it would be near the sum, he should take it at that statement, and provide accordingly by taxes that would be efficient. In respect to the whole unfunded debt of the Navy and Ordnance, he submitted to the committee, whether there were not a variety of forcible reasons, not to delay their consideration beyond the present session. They were a load upon the credit of the country, that prevented it from taking that spring which peace and our resources most certainly warranted.

But the principal point to which he had to draw the attention of the committee, was the funding of the Navy and Ordnance debts; they had been calculated up to the 5th of July 1785, and amounted to, Navy, 9,505,808*l.*, Ordnance 504,349*l.*; Total 10,010,157*l.* He submitted to the committee, whether it was not most proper to fund it this year, and not wait until another, as it loaded the nation to such a degree as to prevent her rising in any future war. To be sure, a great part of the debts consisted in navy bills; and the committee must recollect, that last year out of the nine millions of navy debt, six were funded, which left this year but about four millions to be funded, with the addition of the ordnance; and the period that seemed generally to be approved of as a stated one, for the payment of them at par, appeared to be after they had run two years; therefore it was his intention, that all the bills when they had run two years, should receive an equal benefit, and have 100*l.* paid for every bill of 100*l.* including interest as well as principal. But it would not be right to wait until every bill had been two years in circulation before any was begun to be paid; he therefore meant to hold out such inducements as would tempt the bill-holders to subscribe early; but at all events, they would have an option whether they should wait until their bills had run two years, or accept of such terms as were held out to them; they would have an alternative, and if they did not choose to wait, at all events they would not be entitled to ask such a discount as those that did; but they would have such an interest as would satisfy them, and the public have no reason to be displeased with. In order that he might speak with some degree of certainty on that head, he had desired as full a meeting of that numerous body as could be collected, and they seemed satisfied with the terms he held out; which were, that for every month which the bill-holder subscribed sooner than the two years, he should allow a discount of $\frac{1}{4}$ per cent. per month, which certainly was paying him more than if paid at two stated periods, each of half a year.

Now, the fund that he meant to fund the navy bills and ordnance debentures in, was the very fund concerning which there was so much dispute last year; namely, the 5 per cent. Although for every 100*l.* so funded in that stock in preference to the 3 per cents, there was a loss incurred of 6*s.* per cent. which would create an excess of annuity amounting on the whole sum to be funded of about 30,000*l.*; yet if the plan proposed, of appropriating one million annually for the discharge of the debt was meant to be adopted, whenever that debt came to be redeemed, it would be done at a much easier rate, and in a length of years there would be a saving of between 2 and 3,000,000*l.* notwithstanding the increase at first. The five per cent. stock a few days since was at $92\frac{1}{8}$; but then a considerable part of the half-year's dividend was due; at least there was, out of the $2\frac{1}{2}$ per cent. full $1\frac{3}{4}$; which, when deducted from the $92\frac{1}{2}$ made it only $90\frac{3}{4}$, which he would suppose was the price when the debt came to be funded: but the bringing in a nominal capital of 11 millions, to fund a debt of 10, would undoubtedly cause a temporary depression, therefore he would reckon it at $89\frac{3}{4}$. But for his own part he should suppose, that taking so large a load of navy bills out of the market would be equal to the load of new stock brought in, and therefore the depression would not be so great as imagined; but, at all events, the 5 per cent. stocks, that day, were only at $91\frac{3}{4}$, which, when the $1\frac{3}{4}$ interest due was taken off, reduced them to 90, and made them only $\frac{1}{4}$ per cent. more than he had taken his supposition at, which was to

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give 111*l.* 8*s.* for every 100*l.* bill: of course the public would have to pay 5*l.* 11*s.* 6*d.* interest for every 100*l.*, which was a trifle more than 5½ per cent.; and the ten millions he had to fund would require an interest of 563,000*l.* for a capital created of 11,140,000*l.*, which it would require to fund the Navy and Ordnance in the 5 per cents.: but out of that there was 240,000*l.* to be taken, which was provided for last year, when the 6,000,000*l.* of Navy debt was funded; therefore, the whole of the interest wanted for the additional debt to be funded was only 323,000*l.*; and the 50,000*l.* interest for the million borrowed of the Bank, made it together 373,000*l.* which was the interest wanted, and the whole he should have had to provide taxes for, had it not been for the repeal of the tax upon fustians; the repeal of that tax he could not estimate at less than 40,000*l.*; of course, he was bound to find taxes as under:

One million borrowed of the Bank	50,000
Debt to be funded.....	323,000
Deficiency by repeal of fustian tax	40,000
Total of interest wanted	£.413,000

This sum of 413,000*l.* it was requisite to raise by new and additional burthens upon the people; and again, he must remind the committee, that however unwelcome the task of imposing them, yet from these burthens, one great, one long-wished-for event was to arise, a real fund towards paying off the national debt; and he remained most strongly confirmed in opinion, of a probability, that this event would finally happen. The accumulated burthens that had for a series of years been heaped upon the people, made them, no doubt, hope and expect that the æra of peace would be a time of retrenchment, and a day of ease. Hard, therefore, was the task of a minister, whose duty, from his situation, led him to the necessity of still adding, even under these circumstances, to those taxes, and to those burthens. He had, therefore, to hope for the indulgence of the committee. After taxes the most palatable, after taxes the most popular, and when the resources of each had been drained to their utmost, the means by which money was to be raised could not meet with that general, agreeable reception which otherwise might be expected. Some, indeed, still existed, which possibly might be called productive; but the means, in his opinion, though in one degree palatable, yet in another were pernicious. They disguised the poison, at the very time they administered the supposed remedy; and, by disguising, aggravated to a certainty the burthens of the people. The productiveness of taxes was, no doubt, what a minister should most seriously attend to: but, in doing so, he ought to have the benefit of the nation in view; and, therefore, that which, in the end, was destructive by the means, should be avoided. In support, however, of what he had to propose, although they were not so palatably made up, yet he trusted to the good sense of the committee, and to the loyalty of the people, that they would be now accepted by the one, and in time cheerfully acquiesced in by the other. In respect to the committee, he wished it to be understood, that some of the taxes he meant to offer, would certainly fall heavier on them than on their constituents: but this, he trusted, would meet their ideas of political justice, which certainly went to tax the wealthier in preference to the more indigent part of the community. The first which he should propose, was an additional tax on male servants, who at present paid a duty of one guinea per annum each. This tax was not a new one, but an addition to one which had already been tried, and which, besides its produce being nearly ascertainable had, the other qualities, which he should always look for in moments of pressing exigency, namely, the sum paid being open and perceptible to those who were to pay it, and that of falling principally on the opulent. As it now stood, this indiscriminate tax he considered as a very partial one, and the partiality was of much injury to the poorer sort of people, in comparison with the rich. An opulent man, paying only twelve guineas for twelve servants, certainly did not afford a just proportion to a man in lower circumstances, paying one guinea for one servant; and the reason was obvious. Suppose a person of 200*l.* per annum kept but one servant, that most assuredly was paying a much greater proportion than he ought to do, if a man of 5,000*l.* per annum, who kept a dozen, only paid twelve guineas. It was, therefore, meant to propose to the committee, that the tax should be increased according to the proportional number of the servants, and that the per-

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son of the higher income should contribute accordingly; and as the servants which they kept were more for vanity than for real use, the tax would be more a tax upon unnecessary extravagance, than upon either industry or servitude; and should it even operate in reducing the number of those unnecessary men, it certainly would be lessening, or rather restoring to the country, a number of persons who, in their present situation, were the least profitable of any other to the community. The additional tax which he should submit was, that instead of one guinea on each servant, they should be rated as follows: one servant, 1*l.* 5*s.*; two, and not more than three, 1*l.* 10*s.*; five, and not more than seven, 1*l.* 15*s.*; eight and not more than ten, 2*l.*; eleven and upwards, 3*l.* This, he trusted would meet the approbation of the committee. He included in this tax, for the first time, waiters at taverns, coffee-houses, and other places of public entertainment. He should therefore take the addition on male servants at 35,000*l.* The next was a tax which had often been the subject of much discussion. It might probably find one kind of objection from the grave and sober part of the House, and it might also encounter the jocular ideas and merry witticisms of the other: the former, however, he was prepared to meet and combat with reason and argument; to the latter, he had only good-humour and cheerfulness to oppose; yet still he hoped, when it was considered how very trifling the tax would be, and at the same time how exceedingly productive, that no gentleman would think himself justifiable in throwing any obstacles in its way: but, upon every consideration, the tax to him appeared to be good and efficient. It was a tax upon maid servants. This tax, he trusted, would be less unpopular from its not being partial; it was universal. The classes under which he meant to distinguish them were as follow: for one maid servant 2*s.* 6*d.*; for two, 5*s.*; for three, and upwards, 10*s.* each. The calculation on the supposed income from this tax could not be as accurate as that of the male servants. The best criterion to calculate from, was the number of windows, as returned in the window-tax account. This calculation he confessed to be somewhat arbitrary; but he could, without danger of being over the calculation, set the revenue arising from the tax, at a sum not less than 140,000*l.* The next was a tax upon all retail shops. The principal argument under which a tax upon retail shops hitherto had been abandoned was, that it would fall indiscriminately on all shops: but if a distinction could be found to do away that objection, then, he trusted, that the tax might be admitted. The mode in which he meant to lay this on the public, was to regulate the tax by the rent of the shop; which rent, he should suppose, always bore a proportion to the profits of the business, and the traffic carried on within it. In this tax, he was willing to have the proportion more favourable to the lower class of dealers; and, therefore, he should propose, 1*s.* in the pound, on all houses that paid an annual rent of from 4 to 10*l.*; 1*s.* 3*d.* on those from 10 to 15*l.*; 1*s.* 6*d.* on those from 15 to 20*l.*; 1*s.* 9*d.* on those from 20 to 25*l.*; 2*s.* on those of 25*l.* and upwards.

By the returns made, he was enabled to state the sum the whole would produce at 144,000*l.*: but he would state it at only 120,000*l.* which sum the tax most certainly would produce. The arrangement under which this was to be collected, prevented any justifiable supposition that it could be oppressive; as he meant, by way of recompence to the dealers, to revoke and take away, totally, the licences from all hawkers and pedlars, who were rather a pest to the community, and a kind of nursery for inland smugglers, than any real benefit or convenience to the public. This would occasion a loss to the revenue of 4,000*l.* a year; but this would be amply compensated for by the benefits to which it would give birth. The revenue arising from this had the advantage, that it would be brought net to the public treasures, without any deduction or expense, by the persons who collect the house tax.

The next was a tax on post-horses. This was a tax of which he could speak with some degree of certainty, as the returns made rendered the calculation easy; it was a small addition, and yet it was to produce one half of what was already collected, he meant one halfpenny per mile on all horses travelling post for hire: and when he came to state what the committee, no doubt, must know, he had little reason to think but they would see, that in many parts of the country the subject already paid that addition, by impositions of the keepers of inns, who charged 1*s.* per mile instead of 11*d.*, he should therefore propose an addition of one halfpenny per mile on all horses travelling post, by

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which the inn-keepers would not have it in their power to pocket the sum which the public now paid. This he should estimate to bring in 50,000*l.*

The next was a tax upon gloves. That, he observed, was a species of taxation which many chancellors of the exchequer had turned their thoughts to; but a difficulty always presented itself, of making it a productive tax, owing to the mode of collecting; but the method adopted last year with respect to hats, struck him as a very proper one to be observed on gloves, which was affixing a stamp to every pair of gloves previous to their being sold, and that stamp to be in proportion to the value of the gloves. By that means the tax was collected of the retail trader, and he had no occasion to lie out of his money long before the sale of his goods, which was a reason why he need not make an additional advance on his customer, as generally was the case, where the tradesman had a large part of his capital engaged in paying duties that were not repaid him for a considerable time. It was difficult to state what the tax would produce; but he had made his calculation, from a supposition that there were three million persons in this country who wore gloves, and every one of them at least one pair in a year, many indeed twenty, thirty, or forty pair in that time; but he could not be thought to be too sanguine, when he took the average at three pair per year for each person, which would make the consumption 9,000,000 of pairs annually, which he meant should bear a tax of 1*d.* per pair on those from 4*d.* to 10*d.* value; 2*d.* from 10*d.* to 1*s.* 4*d.*; 3*d.* for all above 1*s.* 4*d.* He should estimate the tax at no more than 50,000*l.*

The next tax was a licence on pawnbrokers. They were in general a set of persons who lived on the necessities of the poor, and capable of paying for a licence; therefore he should propose that each pawnbroker throughout the kingdom should take out a licence annually, as follows: in London, Westminster, and Southwark, 10*l.*; in the country 5*l.*; which he estimated to produce 15,000*l.*

The next and last that he had to produce was more a regulation than a tax; it was to rectify an abuse on salt. At present there was an allowance made on all salt carried coast-wise of 3 bushels in 40; which was an abuse of such a nature and so liable to fraud, that he proposed to reduce that allowance to 1½ bushel in 40. He had received a great deal of information from a pamphlet published by lord Dundonald, and by the regulation proposed there would be a saving that he could fairly estimate at 12,000*l.*—Thus he had proposed taxes that were supposed to bring in 422,000*l.* to pay an interest of 413,000*l.* which was making an allowance of 9,000*l.* for some of them not proving productive. The right hon. gentleman concluded with moving his first Resolution.

Mr. *Fox* said, he should not trouble the House with many observations; nor would he be the first to oppose any taxes which were for the benefit of the kingdom, by answering the exigencies of the state. With respect to what the right hon. gentleman had mentioned of the method adopted last year of a 5 per cent. stock; he had to remind the committee, that then the stock was calculated at 93, now it was not so high by 2 or 3 per cent.; which plainly shewed, that he and those gentlemen who supported him, were not mistaken in their hypothesis. In respect to funding the navy bills, that appeared to him to be just and fair; and he was happy the right hon. gentleman had put it within his power to remind the committee, that this very idea, nay, the very words which the right hon. gentleman now used, were stated, when they were last year the idea and words of another person, to be both factious and clamorous.—With regard to whether it was better to pay off navy bills with a 5 or a 3 per cent. fund, he should only say, that he remained fixed in his opinion, that to sacrifice a large sum of the public money, at the instant of funding the remaining part of the unfunded debt upon an idle ground of speculative calculation with respect to the future, was a matter against which much solid objection could be maintained. If he were to go into the discussion of the argument as to what was given to the bill-holders more by a 5 than a 3 per cent. fund, perhaps he should be able to make it amount to a good deal more than the right hon. gentleman had stated. He thought, with the right hon. gentleman, that it was a matter much to be desired that the bill-holders should subscribe immediately; he was afraid, therefore, that the largeness of the discount might induce the bill-holders to keep their bills till the two years were completed, at the end of which they were to be paid off at par: but that depended

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entirely on the circumstance, whether the bill-holders in general were willing to subscribe or not, upon the terms that had been stated.—In respect to the cotton tax, which was repealed, he should rather imagine, the just mode would have been, not to calculate from the 40,000*l.* given up, but from the probability of what the remaining part was likely to produce. As to the servants tax, that on the male servants was very proper, and on the first view appeared so; but it was necessary to ask, was this tax collected with fidelity? were there no frauds, no evasions, no partialities overlooked? This was a most material point to be correctly known; for if the case was so, if these frauds did exist, some new mode should be adopted, some necessary amendments should be made; otherwise the present would be only adding to the burthens of those who already pay what they ought, by still putting it in the power of those who do not contribute to evade their farther proportion. The post tax might be a good one; it merely depended on the question, whether it would or would not bear the addition? As to the tax on female servants, the whole House must agree, that in a time when the country required additional burthens, it should be the care of government to avoid any thing that might create universal odium; that might give rise to general unpopularity: and he must venture to pronounce, that this tax of all others would come within that description. In laying a duty upon luxury or vanity, almost every man would be of one opinion as to the justice of the measure; but that tax which affected so great a body of the people, and which, from the nature of the case, must be unpopular, he really thought a bad one. It would fall heaviest where it ought to fall lightest: persons of large families would find this a most heavy burthen. The increase of their offspring would become peculiarly distressing, and the proportion of the tax would be most unjust indeed; it would become a tax upon infants, and not a tax upon luxury or extravagance: he meant this as to the middling class of people, who kept servants only in proportion to their children; the lower class kept none for that service, and the higher were able to pay for them. In respect to shops, that tax would be felt indeed: and as to hawkers and pedlars, it would be necessary to shew what were the benefits to arise from suppressing them. The interior parts of the country, to which these men were of much service, would suffer; and the little villages on which they were a check, would each become in itself a monopoly of every article in the shop trade. One word more in respect to the servant-maid tax: the male-servant tax was allowed on all hands to be much evaded: was any care taken that the female tax would not be under the same predicament? The hat-tax had also been much evaded; and yet the glove-tax was calculated at the estimate formed upon that revenue. In respect to the latter, he wished the committee to observe, that out of the eight million of supposed inhabitants in Great Britain, three million were children; to which add the 500,000 who did not wear gloves. It was therefore probable the right hon. gentleman was too sanguine in his ideas of the product of this tax.

The Earl of *Surrey* applauded the right hon. gentleman for the manner in which he had opened his budget. There were, however, some observations which had occurred to him, which, in his mind, deserved the attention of the committee. Many of the ways and means he thought were proper, and he had no doubt would meet with general approbation. He was not sure how far the right hon. gentleman was well founded in his calculations with respect to the hat-tax, but thought, on the supposition that the glove-tax would answer, it was a very fair one. He was not perfectly satisfied in his own mind that the post-tax would verify the credit which was given to it; he thought another would still be more eligible as well as more productive; he meant a double tax on Sundays throughout the kingdom: the fashion was now so much to travel on Sundays, that whoever indulged in such a luxury, ought to pay for it. As to the tax on maid-servants, though gentlemen were disposed to jest about it, he was doubtful whether it would not operate very seriously to their disadvantage. He did not by any means consider them in the same predicament with male servants, who might continue or not in that state of servitude. They could alter it when they pleased, as they might go into the navy, the army, or even to some branch of manufacture or mechanics; but females in that low condition, were condemned to continue where they were. In their case it was not voluntary but necessary slavery; they had no option; and were they to be punished for what was their misfortune, not their crime? At the

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same time let it be remembered, that some of the few trades that more properly belonged to them were in the hands of men; such as stay-makers, women's mercers, haberdashers, dealers in tape, thread, pins and needles, and the like. If the right hon. gentleman, therefore, was to abandon his intended tax on female servants, and impose a licence of a tolerably large amount on the men who carried on such trades as he had mentioned, which ought to be properly carried on by women, it would, in his opinion, be much more acceptable. He trusted the committee would turn their attention to a tax thus inimical to so many of our fellow-creatures, who were reduced by Providence to a situation in which they could not help themselves; and that if no other principle weighed with them, a principle of humanity would; since, in his opinion, the objects of this tax had, independent of other evils, hardships enough to encounter from their hard and relentless destiny. He would not sit down without recommending a very careful revisal of the law already in being relative to travelling. He had himself travelled almost over the whole kingdom, and had frequent opportunities of observing the frauds and chicanery which prevailed in the collection of this duty from the subject: it was almost impossible for any tax to bear the impositions practised in levying this; no branch of the revenue, he believed, more immediately required a thorough investigation.

Mr. *Drake* considered the tax on females in a serious and a moral light, as tending to increase the profligacy and impurity of the times. He was so much disposed to give it all the opposition in his power, that he would vote for any other which should be proposed in its room.

Mr. *Hammet* did not see the tax in that serious light which some gentlemen did. It was not a tax on humanity, because the duty fell on the master, and he was of opinion, that the duty was comparatively a light one. It did not strike him as an oppressive tax, as its operations were not compulsive, for no man would be obliged to keep any more servants than he pleased. He thought differently of the shop-tax; this he thought to all intents and purposes a new house duty, and laid on so partially as to affect only the commercial interest. He thought it would have been more manly to have avowed a new duty on houses at once, than by this mode to oppress the mercantile part of the people. He approved of the regulation of hawkers and pedlars, declaring, that in the vicinity of Tower-hill and the Minories, the shopkeepers complained of the very great inconvenience they suffered.

Sir *James Johnstone* said, that amidst all the praise due to the right hon. gentleman, for the manly way in which he had proposed the taxes, he could not help regretting that he had laid his hand on maid-servants; in his opinion, they ought to have been used in a more gentle manner. This, therefore, was a tax which he would most strenuously oppose: it tended to oppress an order of individuals who were intitled to the most humane usage, to whom society had many obligations, and by whom the evils of humanity were considerably alleviated: this was consequently making them a poor return for all their labours and attentions. He thought, at the same time, it did the dignity of the House no great credit to bring forward these poor unfortunate females as a subject of speculation and merriment. Why were not those who intruded on their province, narrow and circumscribed as it was, subjected to the duty? Men-milliners, stay-makers, and a variety of individuals who might otherwise be better employed. He exhorted the right hon. gentleman to a selection of taxes which should involve all the effeminate in the kingdom; but wished him rather to extend his protection, than the iron rod of oppression, to a set of individuals who were more to be pitied than taxed: then the blessing of the oppressed would light upon him. He suspected the additional duty on the pawnbrokers would ultimately grind the faces of the poor. These were a useful body of men. What would often become of the needy but for them? Where else could they get money at the price, dear as it was? He hoped yet to see this branch of traffic supported at the public expense, that the industrious, whose temporary necessities were often thus supplied, might not be deprived of so convenient a resource. He wished the Sunday duty not only doubled, but tripled: it was a day of luxury to one set of people, and drudgery to another. He should, therefore, be happy to see it converted into a benefit for the revenue.

Mr. *Rolle* urged the right hon. gentleman to tax all horses in general, and to proportion it in such a manner, as that it might not operate partially. More money might be obtained from it, by laying an additional tax on those who kept many

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horses for the purposes of luxury and show, and the tax might be taken off the poor and industrious farmers. Agriculture was of too much consequence to the nation to be checked. It ought to be as much encouraged as possible. With regard to the proposed tax on women servants, he could not think it a good tax by any means; he heartily wished, therefore, that his right hon. friend would give it up. Let him recollect how hard it would bear on many farmers who kept a number of women servants, for the double purpose of doing the work of their house and of their farm. If the tax were persisted in, he hoped the right hon. gentleman would exempt dairy-maids; he hoped also to hear from him that day, that parish apprentices were not to be paid for, because, if they were, the charitable aim of many parishes, who indentured their girls out of their schools as servants, would be defeated.

Mr. *Dempster* conjured the right hon. gentleman to bestow some part of his attention on the horse-tax. He would not pretend to describe with accuracy how it operated in this country, but in the northern part its operations were oppressive in a most insufferable degree. Many farmers there were utterly unable to pay it. Their rent did not amount to more than 2, or 3, or 4*l.* a year. They consequently had but one horse, which did every thing, and they could not do without; but for which, if they rode but once in twelve months, they were obliged to pay. This was destroying the very means of their subsistence. The annihilation of the hawkers and pedlars appeared to him a bold measure. He remembered some years ago, that a Bill for that purpose was brought into parliament; but it appeared in the discussion a measure big with the greatest mischief. He was in hopes the committee would still view it in the same light. He presumed they would be disposed to think with him, that their utility to the community would prove their protection. Nothing but the undeniable utility of the hawkers and pedlars could have preserved them so long in existence against all the interests that had united to get rid of them. To abolish them, therefore, would be the greatest mischief to commerce that could be thought on. There was a source of revenue of which he had expected to have heard something from the right hon. gentleman upon that day, and that was, the waste lands of the kingdom. If population was not encouraged, we could not expect to recruit the draughts made upon this country in the course of the last war.

Mr. *Francis* was sorry the system of taxation should in any degree be disgraced by such a tax as that proposed on maid servants. He had always observed the idea to be reprobated by every person of feeling and sentiment. He trusted the right hon. gentleman, on mature consideration, would relinquish it, as nothing could be suggested which could give the public a more disadvantageous idea of his principles as a man or a statesman. It was, in his opinion, a tax on families, and would be considered as having a tendency to accumulate the oppressions to which domestic life in this country was already subjected.

Sir *E. Astley* was adverse to the tax on women servants, and said, he had been against the tax on men servants when it had been originally imposed. In the county in which he lived, they had many clergymen who upon slender incomes kept a horse, and consequently were obliged to keep a male servant; he thought it hard that persons so circumstanced should be obliged to pay a guinea a year out of the pittance they had to live on, and therefore his idea had been all along, that only those should pay who kept more than one male servant. Sir Edward thought the abolition of hawkers and pedlars a measure extremely desirable. The country shopkeepers expected that their neighbours should give them their custom; whereas the itinerant dealers, the hawkers and pedlars, came and took it away; nor was that all, it was believed in the country that the latter sold cheaper than the shopkeepers; the people of the towns and villages, therefore, who had run in debt to the latter, and saved up their money to pay them, went and laid it out with the hawkers and pedlars, and left their debts unpaid.

Sir *Thomas Rich* declared his wish that the tax on female servants might not be persisted in; and as it was generally held, that when gentlemen disapproved of a tax they ought to come forward with another, he would suggest one that he thought would produce nearly as much, and that was, a tax on all ladies who were married and put out their children to nurse.

Mr. *Sheridan* rose, not, he said, to make any very ludicrous remarks on the proposed tax on female servants, though he could not but imagine, if it were persisted

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in, it would occasion more ridicule than all the cheerfulness of the right hon. gentleman would be able to cope with; he rose to state, that he was seriously of opinion that it was a most unwise tax, and a tax that the public would never be easy under. Indeed, the right hon. gentleman in opening it had fallen into an egregious error, and applied a principle to it that by no means could be supported. The keeping a number of male servants was indisputably a luxury, and the making those who chose to keep a number, pay in proportion to it, was perfectly fair and reasonable; but the case was far otherwise with female servants: it did not follow, because a family kept any number above two or three, that they were more able to pay taxes than those who kept only one or two. In many cases where three or four female servants were kept, the sole reason was the great number of children the family had, and which necessarily required that more servants should be kept to look after them. Mr. Sheridan said, what he chiefly rose for was to point out, that in arguing upon the money to be raised to pay the interest of the four millions to be funded, the right hon. gentleman had allowed for 240,000*l.* just as if that fund really existed; whereas, in fact, there was no such fund. This Mr. Sheridan explained, by stating, that last year Mr. Pitt had proposed raising enough to pay the interest of six millions of navy debt, which he had declared it was his intention to fund this year; but that, in fact, no such money was raised. Through inadvertency, also, a circumstance had happened, of which perhaps the right hon. gentleman was not apprized, and it was this: in all the bills of the last year, the produce of the tax made the subject of each bill had been uniformly appropriated to the payment of the interest of the six millions navy. To prove this, Mr. Sheridan read a clause from one of the acts of the last year, and observed, that a similar clause had been inaccurately suffered to be inserted in each bill. It should, therefore, he said, have been a part of the duty of the right hon. gentleman to have provided that day for raising the 240,000*l.* as well as the other sums that constituted the 413,000*l.* he wanted. With regard also to the taxes of last year, which he had given for 600,000*l.* Mr. Sheridan declared, they neither had, nor, he believed, ever would raise 500,000*l.* After suggesting this, he recurred to the proposed tax on female servants, which he made some farther remarks upon, and said it ought at least to be balanced with a tax on single men, who certainly were a description of persons less useful to the community than men who were married and had families. He pushed this observation a good way, and concluded with declaring, that the tax on female servants could be considered in no other light than as a bounty to bachelors, and a penalty upon propagation.

Mr. *Pitt* began with taking notice of Mr. Sheridan's argument respecting the deficiencies of the last year's taxes, and declared his astonishment, after what had passed on the subject lately, that the hon. gentleman should still persist in asserting that it was the duty of a Chancellor of the Exchequer, as soon as he had discovered that any particular tax proved deficient in its product, to come forward and propose some new tax to make good that deficiency; when, on the contrary, his duty clearly was, to look at the produce of the whole of the year's taxes, and of the revenue, and compare it with the whole of the year's expenditure: if the one fell short of the other, in that case it was his duty to propose some new tax, in order to make good as much as the revenue fell short of the expenditure; but if it did not fall short of it, then though one or more particular tax might be deficient in producing the sum for which they were given, it was not at all material. If the hon. gentleman's argument had been founded, it would have been his duty to have proposed taxes to make good the deficiency in lord John Cavendish's taxes of 1783, which had not produced more than one half of the sums for which they had been given; and it would also have been his duty to have looked back to all the taxes that had proved deficient for a century past, and made good the deficiencies of each by new and specific taxes; a circumstance too palpably absurd to bear a serious argument. With regard to the objections that had been stated against the proposed tax on female servants, it was not necessary to have recourse to alliteration, and to recur to such elegant phrases as a "bounty to bachelors," and a "penalty on propagation," to find ground of objection to it; it was undoubtedly true, that those who were married and had families would pay the most to the tax: but, then, let it be considered, that the same might be said of every individual tax that had been laid upon articles

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of consumption for a number of years past. In the present case it did not hold, however, to the extent supposed; nor was it to be deemed an application of the principle of the gradational increase of the tax on men servants, because, being aware of the heaviness and inequality with which the tax on female servants would bear upon those who had large families, he had laid it so low, that it could hardly be said, under any circumstances, to be a grievance. Those who kept one female servant, were to pay half a crown only, which surely could not be an object to any person who kept a female servant: those who kept two, were to pay five shillings each; and those who kept three or more, ten shillings each, and there it was to stop: now, was it to be supposed that any family who kept two, would keep one less for the sake of five shillings, or those who kept three, would turn one of the three away merely to save ten shillings? Mr. Pitt said, that what had principally called him up, was the intimation of the doubts which Mr. Fox had stated, as to the utility of advancing the male servants tax, unless some regulations were at the same time adopted to render the collection of that tax less fraudulent and more productive. The observation of the right hon. gentleman was perfectly natural and perfectly wise, viz. that so to increase a tax, now fraudulently collected, would be to increase the burthen of the honest few who paid it, and to enhance the benefit felt by the many, who by fraud and evasion procured an exemption from the payment of it. The fact was, that he accidentally omitted to inform the committee that it was his intention, instead of suffering the tax on servants any longer to remain a voluntary tax, which those who were liable to were to send and pay of their own accord, to have persons call regularly to demand it, in like manner as they did the land and house tax. He took notice of what Mr. Dempster had said of the waste lands, and said, they had been for some time under consideration, and hoped he should shortly be able to state something respecting them to the House.

Mr. *Medley* condemned the tax on female servants, and recommended a tax on gentlemen of the bar and on solicitors in lieu of it. He gave a droll account of the great increase of barristers, declaring, that where he lived in the country, there formerly appeared but two or three at every quarter sessions; but that the black gowns were so numerous now on such occasions, that the old town-hall was not large enough to hold them, and they had been obliged to build a new one on their account. He was, he said, himself descended from a counsellor, but in his ancestor's time things were far different from what they were at present. He approved of the proposed abolition of hawkers and pedlars, who, he declared, were a nuisance to the country, destroying the trade of country shopkeepers, selling damaged goods, taking away the money that ought to be spent in each town, and doing other mischief.

Lord *Mahon* could not help differing from his right hon. friend about the proposed female-servant tax; but a way had occurred to him of removing all objection to the measure, and even of converting the objections that had been urged against it into arguments in its behalf, and that was, to make an exemption in favour of families who had above a certain number of children, and to relieve them from the payment of one half of the tax. It was impossible to do this in taxes upon articles of consumption, or articles in a manufactured state, such as leather, &c.; but it was easy to do it in the present case, where the tax stood open, separate, and distinct.

Major *Grant* greatly commended the new regulations intended to be adopted with regard to the tax on male servants; that alone would, he thought, nearly produce sufficient to make up the sum the tax on female servants was given for. If not, a tax by way of licence, to be taken out by such as chose to indulge themselves in wearing hair-powder, would make up the deficiency.

Mr. *Powys* said, there was much to be praised in what had fallen from the right hon. gentleman that day, little to be doubted, and still less to be censured. He did not approve of the proposed tax on female servants.

Mr. *Le Mesurier* commended the designed abolition of hawkers and pedlars. He thought the proposed tax on shops the part of the budget the most exceptionable, and used some arguments to prove that the tax on female servants was not so exceptionable as gentlemen had imagined. It was a tax that would be equally distributed throughout the kingdom, and would be always paid by the master of the family, and not fall on the servants themselves; and he was persuaded no married man would keep a woman-servant the less on account of such a trifle as the tax. If,

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when the Bill came in, dairy-maids should be exempted, as some gentlemen had advised, he declared he would rise and propose the exemption of another sort of dairy-maids, very useful in all families where there were children, viz. wet-nurses.

Mr. Alderman *Sawbridge* reprobated the proposed tax on female servants, intimating his astonishment that the right hon. gentleman should be hardy enough to have ventured at the proposing of such a tax. He reminded the committee, that it had been suggested by an hon. baronet two years ago, and was then treated with ridicule by all parts of the House, and had kept the hon. baronet an object of public ridicule without doors ever since. Mr. Sawbridge condemned the proposed tax on shops as a most partial proposition, that would bear harder upon the inhabitants of the metropolis, than of other parts of the kingdom.

Sir *Richard Hill* said, he must once more make a proposition that he had for two years past made in vain, viz. that a tax be laid on places of public diversion. It was, he observed, a disgrace to Great Britain, as a Protestant country, not to draw some revenue from the money spent in dissipation. Above 500,000*l*., he understood, was spent in places of public entertainment, and surely a fifth part of it might be spared towards the exigencies of the state. Every other country in Europe made their places of entertainment contribute, and we ought to follow the example. The very paying down the money to enter the theatre, or Ranelagh, or Vauxhall, was, he said, a tacit declaration, that we could spare the money: and it was a strong proof of the declension of an empire, to be raising a revenue from taxing the necessaries of life, and at the same time to be afraid to touch our pleasures, and the dissipation of the times. Sir Richard said a good deal about the proposed tax on female servants, which created much laughter in the committee; but sir Richard declared he had no intention to be ludicrous, agreeing perfectly with the poet, that

"Immodest words admit of no defence,
"For want of decency is want of sense."

The first resolution was agreed to, and then the Chancellor of the Exchequer moved a string of resolutions, containing all his stated taxes. After which the House was resumed.

Debate in the Commons on the Tax on Female Servants.] May 10. The report of the committee of ways and means was brought up. On the Resolution for laying a tax on Female Servants being read,

The Earl of *Surrey* rose to give his determined opposition to the tax; and he chose to do it in this early stage of the business; because, should the right hon. gentleman think fit to alter this tax, it was reasonable to give him time, in order that he might supply it by the adoption of another. He thought the tax exceptionable, as it encroached on the only means these females had of earning a livelihood. Seeing a smile on the Treasury-bench, he said he meant to argue the subject seriously on principles of humanity. He had stated, that even the narrow line of domestic servitude, which they occupied, had been invaded by the other sex. There were few occupations in which they were employed, in which the men had not also endeavoured to rival them. We had men-milliners, mantua-makers, stay-makers, petticoat-makers; in short, there was not a commodity in which the women dealt, which the men did not endeavour to have their share of. However, he wished to draw the attention of the House to the proportion which this tax pointed out, as the principle of taxation. The whole male servants of this country were supposed to yield the revenue 50,000*l*., and the female servants rated at nearly triple that sum, 140,000*l*. There appeared to him a monstrous absurdity on the very face of the fact. Why should that part of the community be loaded with such an impost, as they were certainly but ill able to bear? He was therefore resolved to take the sense of the House upon the tax.

Mr. *Pitt* said, he had foreseen that much opposition would be made to this tax. However, he begged leave, once for all, to be understood as meaning to give no offence, when he said that he had not yet heard any argument but that one which stated, that the tax would fall heaviest on those of large families, who in fact were the least able to bear it. The question, therefore, was simply, whether the tax might not be so regulated as to fall lightly on persons of this description?

Mr. *Drake* was at a loss how to act: he had pledged himself to vote against this tax; the noble lord had taken him at his word. He regretted at the same time the situation of the right hon. gentleman, who found himself obliged to provide for debts which he was not accessary in creating.

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Mr. *Fox* felt his own situation exceedingly awkward. He was not one of those who considered the sense of their constituents binding on their conduct in every political proceeding, and of all others he thought a question of finance that in which an implicit conformity was least to be expected. From the peculiar obligations he owed his constituents, he should hold himself exceedingly ungrateful if he did not pay every deference to their known opinions; and yet, when he stated their opinions to be adverse to this proposition, and gave it as one reason for opposing it, he begged it to be considered as only one: for, in considering the nature and extent of the consequence to which such a measure must inevitably lead, so many glaring and irresistible objections accompanied it, that the idea was not in his mind to be tolerated for one moment. That burthens were necessary to be laid on the people of this country, he was sensible of, in perhaps a greater degree than the right hon. gentleman who proposed them. He knew that a long and expensive war had left incumbrances on the public, which their credit and prosperity made it necessary to provide for; and he was never averse to those provisions being made in the most effectual manner, provided the method of obtaining them was not peculiarly exceptionable. Such was always his opinion, though he certainly had as little share in contributing to those measures which entailed this immense debt on the country as the right hon. gentleman or any other member could possibly have. In general he thought a tax upon servants very well founded. There could not be easily pointed out any set of men who were more useless subjects in a state than men servants; but the contrary was the fact with regard to women servants. The former were kept for parade, and as the instruments of vanity, idleness, and ostentation; the latter were always employed in works of industry and management. The former were retained by the rich, and the latter by the poor. He was the more surprised at hearing this tax introduced, as it had been stated as the great merit of the taxes proposed, that their operations were for the most part confined to the opulent; and he little expected to find so great a proportion of the money to be raised, drawn from that source which was least able to bear it. It pressed most on those who were the least able to bear it. The right hon. gentleman said, that the same objection lay against several other imposts. He acknowledged that it did so; and this was one very urgent reason with him why the tax should be abandoned; or if that was a forlorn hope, meliorated in such a manner, that the tax might be less obnoxious to clamour and dislike. He well knew how difficult it was to propose any subject of finance, without that information which the Chancellor of the Exchequer alone could command. However, in general he might be allowed what struck him as a hint, which the right hon. gentleman would know how to use, or whether indeed it was practicable. Much had been said about taxing bachelors. The great objection to that measure arose from the difficulty there was in making it an equal tax, as it was the height of absurdity to tax a day-labourer in the same way as a man of fortune. Therefore, if there could be any mode devised, by which a tax could be proportioned to the fortune or property of individuals, in the same way that the servants-tax, the window-tax, and several other taxes, which all went on one general principle, were framed, in his opinion no tax could be more fair or more productive. At all events, he could see no objection to framing such a regulation in a bill, as might operate nearly in a similar manner. What he meant was, that every single man who kept maid-servants should be taxed to such a degree, as would make good the deficiency of the tax from rendering it easy to those who had families. He would venture to suggest another regulation. It was, that the tax should only extend to those who had male as well as female servants. He deemed himself bound to vote with the noble lord against the tax; though, were he satisfied that these or any similar regulations would be adopted, it should have his concurrence.

Mr. *Pitt* said, he was so perfectly of the same opinion with the right hon. gentleman, in the hints he had thrown out concerning the tax in question, that he would take this opportunity of thanking him for having thus suggested them. And he trusted, that they might be improved in such a way as to render the tax much less exceptionable than at present it appeared to be. He trusted, that with some such regulations the tax might prove an useful one, without being, in any considerable degree, oppressive.

Mr. *Sheridan* said, that the tax struck him as every way objectionable. The right hon. gentlemen imagined that it

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would not be evaded, because, in the case of single servants, it was only half a crown, and in no case above ten shillings. But he wished gentlemen to recollect, that in many families one servant was often kept rather out of charity than from any very urgent necessity. Her wages, to be sure, were trifling; but she would, in consequence of this tax, subject the family where she was to thirty shillings a year more than they would otherwise have. He thought, therefore, that the tax operated against humanity, and he would certainly give it all the opposition in his power.

Mr. *Jenkinson* insisted that the tax would affect only the masters of families, not the servants; and was sure no man would turn away any servant for half a crown.

Mr. *Courtenay* said, the circumstance of a tax imposed on women, was of itself a sufficient inducement to him to stand up in their defence. Of all taxes that ever were introduced it was the most unprecedented, and that from which the worst conclusions must be drawn. For surely it must be supposed that all other commodities were taxed to the utmost extent, when a measure was directed to that commodity at which no other Chancellor of the Exchequer ever publicly presumed to point. It was an object from which he advised the right hon. gentleman to desist in time, and be warned by a precedent, which he would repeat to him, as extracted from a celebrated book, entitled Bryant's Mythology. In this the story of Orpheus was explained in a manner not the less probable for being new; for it says, that Orpheus was some Chancellor of the Exchequer in one of the states of Greece, and not being so indulgent to the ladies as might be expected, they inflicted on him that punishment which the poets represented as so exceedingly severe. This was to him a more natural account of Orpheus than the other story of his following his wife Euridice to hell, and looking back at her from an impulse of affection; at least he was confident it was more in the manner of modern times; few husbands exclaiming, in the language attributed to Orpheus by Virgil,

"Ah miseram Euridicen! animâ fugiente, vocabat:
Euridicen, toto referebant flumine ripæ."

He would recommend to the right hon. gentleman to be tender of meddling with the sex: their enmity was fatal; for however Orpheus's death might be accounted for, it was certain that it was occasioned by women, and even that his own wife had a hand in it. An attempt of this kind terminated once before in the death of a ministerial man, and happened in the reign of Richard 2. The idea which the Chancellor of the Exchequer now resumed was at that time first started of taxing female commodities. It was alleged against the tax, that the commodity was not yet liable to it, not having arrived at sufficient maturity to be liable to the operation. On this an exciseman was sent to examine into the affair, and first consulting the then Master of the Rolls, he gave it as his opinion that such a scrutiny was legal. However, the unfortunate emissary was interrupted in the progress of the scrutiny; for it not meeting with the approbation of a man famous in those days, and whose story is well known yet, called Wat Tyler, he put the exciseman to death, and afterwards raised a violent commotion, which was happily suppressed by the Lord Mayor of London. Now, as this example seemed to be followed pretty closely in these days, where was the impossibility that the circumstances might not more fully concur? And as a security was considered very legal by some eminent lawyers now, it was natural to suppose that some young girl, perhaps not more than eleven or twelve years old, might plead that she was not yet a taxable commodity. Then, it being a subject of great importance, instead of an exciseman, perhaps the Secretary of the Treasury might be sent on the scrutiny; and should he meet the same fate as the exciseman, what a loss would it be to the Crown and the public! The restriction had given him so much disquiet, that he had already thought of an epitaph, which, though written in monkish times, would well accord both with the circumstances and person. The epitaph was first intended for the fair Rosamond, and was in the following words:

"Hic jacet in tumba,
Rosa-mundi, non Rosa-munda."

After the unsuccessful attempt to tax this commodity, which he before recited, it was not again attempted till the time of sir Cecil Wray; and it was surely an act of friendship in the minister, since he could not introduce the person of that great man into parliament, to give him at least the consolation of introducing his opinions. Though it was no great recommendation to a bill that it came from a reprobated candidate for Westminster, yet to a man of sir Cecil's disappointments, it

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was a consolation not to be denied; and as he was remarkable for his gratitude, there was no doubt but he would make it the subject of his muse, and thus immortalize the transaction. Now, with respect to what had fallen from a right hon. gentleman (Mr. Jenkinson), as to the tax not being worthy of evasion because it was trifling; he could assure the House, that persons, however exalted their rank, however great their fortunes, notwithstanding they had six or eight sinecure pensions, had thought proper to block up most of their windows to evade the commutation-tax, (alluding to a gentleman's having shut up more than one half of the windows of his country seat near Croydon.) There were men in that House, who, though not cabinet counsellors, were persons who had the honour of being sent for, to give their advice to his Majesty, and had boasted that they did give advice: to be sure, they were right in making such a boast, and probably his Majesty was right in taking their advice at such a particular juncture; for Solomon, who was another wise king, had said, "The counsel of a good man is worthy of attention." Even men of that description, who, during the American troubles, had held the post of Secretary at War, and moved for most of the sums expended on that unfortunate affair, had thought it necessary not to contribute to the taxes that were laid in consequence of the debt incurred by that war, but were mean enough to shut up their windows to avoid the payment of a sum that they otherwise would have paid. Surely, then, if such great, such wise, and good men thought proper to evade a tax, it was natural to expect a man in a middling sphere of life would do the same, unless it was thought (which generally was the case) that men of that description were more honest than those of whom he had been speaking. Now, the reason why the right hon. gentleman (Mr. Pitt) always was so fond of introducing the American war, arose from the following circumstance: when he first made his *entrée* into politics, he made a point of reprobating the American war; and his language and manner in doing it was so good, that he met with applause from his foes as well as his friends. By constantly speaking on the subject, it became familiar; and in reading Locke, on the Association of Ideas, he there found a philosophical reason for the right hon. gentleman always using the topic, although the war was over. In that book, which he made no doubt the right hon. gentleman had read long since, it was related, that a young gentleman fond of dancing, for the want of company, used to dance to an old trunk that stood in one corner of the room; so constant had he been in that practice, that when the trunk was removed he could no longer dance; and it was just the same with the right hon. gentleman, for as he had been taught to speak upon the American war, if deprived of that as a part of his oration, he would be totally dumb, unless he could be taught some new step. He had many reasons besides those already urged, for requesting the right hon. gentleman to forego this project, and he had the greater hopes of success, as it was the first request he ever made to him. Ireland was a country to which he, in common with the right hon. gentleman, had some attachment, and he assured him the present was by no means an Irish proposition. There was nothing could render him more unpopular in Ireland than taxing this commodity; and nothing could give him (Mr. Courtenay) more favour there, than being the instrument of making him give up the point. The right hon. gentleman was not among those whom he should be apt to suspect of encouraging prostitution. He might perhaps join with him if there was now any occasion; but it appeared to be in so forward a state already, that to countenance it any farther would be needless. He saw no reason for introducing fresh blood into their veins, to make them more liable to prostitution than before. Not that he was of that rigid way of thinking as to imagine, that

"The constitution ne'er could thrive,
Till all the whores were burnt alive."

On these grounds he was determined to oppose the motion, and he made no doubt of having at least the support of every Irish member.

Sir *Richard Hill* hoped the noble lord would not persist in dividing the House in that stage of the business, but wait to see whether some modification could be made so as to make it palatable.

Mr. *Dempster* was strongly against the tax, and wished the minister to turn his mind to abolishing the total use of franking; for a variety of frauds were committed, by having letters come to improper persons under the cover of a member of parliament: to obviate which, he proposed that no double letter should come or go free, unless it was such as contained

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parliamentary proceedings, and they might be open at the one end for the Post-office to see. He likewise thought a tax might be laid on all persons wearing watches; and, in fact, a variety of other modes might be adopted preferable to the one on maid-servants.

Mr. *Whitbread* reprobated the tax, and thought the minister should turn his mind to enforcing the receipt tax, which certainly was the best ever invented, and would, if properly collected, bring in a million of money.

Mr. Alderman *Watson* opposed the tax, and proceeded to state, that instead of women, men-milliners, barbers, stay-makers, and every effeminate person throughout the kingdom, ought to be severely taxed; likewise a double tax should be laid on foreign servants, as it was shameful to admit them into the inmost cabinet or drawing-room.

The House then divided on the resolution: Yeas 97; Noes 24; Majority 73.

Debate in the Commons on the Irish Commercial Propositions.] May 12. This day the Irish Propositions [see p. 312] were again brought forward by Mr. Pitt, but with a variety of amendments, variations, and additions. To the original set of propositions several new ones were added, some of them only supplemental to, and explanatory of the former, but several containing much new and important matter. The House having resolved itself into a committee of the whole House, "to consider further of so much of his Majesty's most gracious Speech to both Houses of Parliament, upon the 25th of January last, as relates to the adjustment of the commercial intercourse between Great Britain and Ireland,"

Mr. Chancellor *Pitt* called the attention of the committee to the consideration of the Resolutions. He desired the clerk might read the resolution which he had formerly moved, as the groundwork of the system of intercourse between this country and Ireland, viz. "That it is highly important to the general interest of the British empire, that the trade between Great Britain and Ireland be encouraged and extended as much as possible; and, for that purpose, that the intercourse and commerce be finally settled and regulated, on permanent and equitable principles, for the mutual benefit of both countries."

He began by observing, that the attention of the committee having been engrossed for so many weeks by the propositions, he flattered himself their importance and magnitude were by this time sufficiently impressed on their minds to render it perfectly unnecessary for him to dwell upon that part of the subject. He should, therefore, after the useless manner in which so much of their time had been wasted, enter at once into the business, and state to the committee the extent and object of his plan, endeavouring to clear it from such misconceptions, and to obviate such objections, as from the various interests that it was supposed to affect, and the pains taken to alarm those interests, it had necessarily become liable to. He desired the House to recollect, among the many important and extensive objects to which the legislature of this kingdom had for some years past directed its attention, that the affairs of Ireland, and the forming of a suitable arrangement between that kingdom and this were nearly the most considerable. A vast deal had already been done in several preceding administrations; and though he was by no means inclined to censure the liberality of former parliaments, or former ministers, yet he could not but think, that if nothing more was to be done for Ireland, it would have been advisable not to have done any thing at all, or at least not so much as had been done. In fact, if the British parliament were to go no farther, all that had hitherto been done was absolutely nugatory; for the advantages which were by those acts put into the hands of the Irish, were such as they were unable to make use of, at least in the degree to which it was the avowed intention of parliament that they should. And would the people and the legislature of England condescend to assume a credit for what they had never bestowed, and lay claim to the gratitude and love of a nation to whom they had made no concessions, but such as it was impossible for her to avail herself of? His present plan, he said, was nothing more than a necessary supplement to those which had formerly been adopted, for the purpose of creating such a mutual interest as should for ever preserve inviolate, and secure the connexion between the two countries: and he trusted, if it should be found to have a tendency to so very desirable an end as that, if it should be found to add considerably to the general strength and splendour of the empire; if it should be found to contribute a great and obvious augmentation to the welfare of Ireland,

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and at the same time to maintain the interests of Great Britain in every essential point, and in some instances considerably to promote them; that in that case the opposition he should meet with would be confined within very narrow limits.

The objections which he had generally observed to be made to this plan, were such as appeared to him either to be convincing proofs of its propriety and necessity, or at least that they were capable of an easy and complete refutation. He had desired the proposed resolution to be read, in order that he might the more easily lead the committee into his sentiments with regard to the general arrangement, of which it was the foundation; and although there were several subsequent resolutions to follow it, yet they were but the detail and formality of that principle which was laid down in the former. This principle, then, he would first explain by way of comment on that resolution, and afterwards would go through the whole series of the propositions from Ireland, applying to them such alterations, restrictions, and modifications, as should still restrain them within the principle now to be adopted, and at the same time free them from the objections which those, who could not dissent from the principle, had endeavoured to raise against the mode in which it was intended to apply it.

The principle then was, "that a treaty should be concluded with Ireland, by which that country should be put on a fair, equal, and impartial footing with Great Britain in point of commerce, with respect to foreign countries and to our colonies; and as to the mutual intercourse between each other, that this equality should extend to manufactures, to importation, and to exportation; and that Ireland in return for this concession, should contribute a share towards the protection and security of the general commerce of the empire." In order to destroy the general prejudices entertained against these propositions, it would be necessary for him only to mention in what situation Ireland actually stood at that moment in point of commerce with respect to the world in general, and Great Britain in particular. Ireland could at this moment trade, with unlimited freedom, to every foreign state in Europe, supply them with her own produce and manufacture, and carry home in return the produce and manufacture of any country in Europe. She was also at liberty to supply the British colonies in the West Indies with her own commodities; and by a direct trade homeward, furnish herself with the West India goods. But this was not all. She could also, at this moment, supply the British market, by a direct trade to Britain, with the produce of the British islands; and this privilege was not of a recent date: she had enjoyed it ever since the navigation laws were framed. The only question arising now, relative to the West India commodities, was, that the Irish should in future be permitted to bring into England, circuitously through Ireland, those goods which they were at this instant at full liberty to import into this country directly from the West Indies. But not to dwell any farther on this point for the present, on which he intended hereafter to speak somewhat more at length, he observed, that the adjustment which was now to be proposed resolved itself naturally into three parts, which might be ranged under three different heads: 1st, The intercourse between the British West India islands and Ireland; 2nd, between Great Britain and Ireland; 3rd, exports of manufactures to foreign countries; to which might be added a 4th, which was rather political, and related to the assistance that Ireland should contribute towards the support of the navy of the empire.

With respect to the first, it had been frequently suggested in behalf of a very respectable and very useful body of men, the West India merchants and planters, that should Ireland be permitted to supply the British market with the produce of the islands, they must necessarily run the risk of being very considerable sufferers in common with the rest of the people of England. To this suggestion he would reply, that Ireland, as he had said before, might at this moment carry in Irish bottoms the produce of the islands directly into Great Britain: she was already in possession of that liberty, and had enjoyed it ever since the passing of the navigation laws, which had put Irish ships, in that respect, on a footing with British: it was therefore only by a circuitous trade from the colonies, that any new danger could accrue to their interests. And here he felt that the apprehensions of the merchants and planters were best founded; for they feared that the Irish being once admitted to bring to England circuitously the produce of British colonies, French sugars and other goods, the growth of islands in the West Indies not belonging to this country, might be

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imported into England as British. It was certainly his wish, as it was his duty, to guard against such a mischief: the British West India planters were clearly entitled to a monopoly of the English market; and it would be but justice to secure it to them, as far as laws and regulations could give security. It was upon this principle, then, that he intended to propose certain regulations which would fully answer this end, without affecting in the smallest degree the spirit of the Irish resolutions. He proposed, then, in the first place, that the committee should resolve, that all the navigation laws actually in force in this kingdom, or which it should be hereafter found necessary to enact, for the preservation of the trade of Great Britain, should be in force in Ireland. Under these laws the door would be shut to the importation of foreign West India goods, and consequently the British market would be secured for British West India commodities, to the exclusion of those of foreign islands. In consequence of these laws it would be necessary that every Irish vessel, arriving in Ireland from the West Indies, should be furnished with a certificate that her cargo was really the produce of a British West India island; and that this certificate should be signed by the proper officer of such island. But it might be said, of what avail would laws be, if the execution of them should be left to those who were not most concerned in the due observance of them? He would answer, that unquestionably if laws were not duly observed and obeyed, they were of little use. But he did not conceive that entrusting the execution of laws to persons not immediately under our power, was a thing absolutely unprecedented: this country relied much upon the officers in the West India islands, whose duty it was to sign certificates; and if they abused their power, the danger, against which these certificates were to guard, would necessarily arrive. He would not, however, trust to Irish officers for the execution of the navigation laws, but would propose an additional regulation, which, in his opinion, would satisfy the planters; and that was, that every ship from the West Indies touching in Ireland should be obliged, on entering a port in Great Britain, to produce the same original certificate which she shewed in Ireland, and which she received from the proper officer, on clearing out from the island at which she shipped her cargo. This, he flattered himself, would answer the expectations of the planters: for he did not suppose that the Irish would attempt to import into their own country the produce of a French island, with which they could not have a British certificate, and without which it could not be admitted afterwards into England.

Some gentlemen seemed to apprehend that the British merchants would be injured, if the Irish were left at liberty not only to supply the English, but also foreign markets, with West India produce: but he did not see so much danger in the case as they did. For in the first place, it was, from a number of circumstances, highly improbable that the Irish would supply the English market to any great extent with West India goods: probably the principal consequence of this liberty might be, that the Irish merchant would be encouraged to speculate a little more than he did at present, and bring home a greater quantity of West India produce than might be necessary for his own market, in hopes that a scarcity might happen in England, and then he might send in the goods he had thus laid in upon speculation. This certainly was possible; but it was barely so, and he did not conceive that it could happen frequently. It might occur oftener, that the Irish merchant would, in case of scarcity on the continent, have an opportunity of supplying foreign countries, which would otherwise be supplied from England. But though, whatever might be thus gained by the Irish, would be taken from the British merchants, yet he hoped the loss would be rated very low, when it was recollected that this sacrifice would procure lasting friendship and harmony with Ireland; it would knit together the two great limbs, the remaining great members of the British empire, and bind them fast in bonds of eternal amity. To Ireland he did not wish to make this boon trifling and insignificant: he did not indeed think it was such as would do this country essential injury; but it would nevertheless procure to Ireland substantial good; and therefore he trusted it would be given cheerfully by the one as the best proof of affection and friendship, and be received by the other as a mark of that regard and community of interests which ought to subsist between the two countries, connected as England and Ireland are by the dearest ties. This regulation, however, did not stop here; he intended to propose farther, that all

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ships coming from Ireland to England with West India produce should also be furnished with cockets, and give bonds in the same manner as coasting ships in England were bound to do. If Ireland should thus enjoy the benefit of the colony trade, it was but fit the colonies should derive some benefit in return; and therefore he would propose an amendment in the second of the Irish resolutions, which allows a drawback on exportation of all the duties laid on importation into either country; and the amendment was an exception from this allowance of drawback on all spirits not the produce of the British colonies in the West Indies.

There was, besides, he observed, another branch of foreign commerce which demanded regulation, and which, in some degree might be considered as allied to that of which he was speaking, and that was the trade to the East Indies. That trade, he observed, being by charter exclusively the property of the East India Company, there was no possibility of giving a share of it particularly and nominally to the Irish; on that subject, however, he was not very uneasy, as he was fully satisfied in his own mind, that to suffer the East India trade to remain in its present channel, was by no means a departure from the system that was now under discussion, a system of an equal and reciprocal participation of commercial benefits with Ireland. As long as the legislature of this country thought it advisable to suffer that trade to be exclusively engrossed by the Company, Ireland had no better right to complain of the exclusion than one of our own out-ports, or even an individual merchant. Still, though he did not see either the practicability or the expediency of conceding to Ireland a part of our East India trade, he thought it was fit that certain regulations affecting that country should be relaxed, in order to open a door for Ireland to proportional advantages, from which, by these regulations, she had been excluded. Thus, he would have the East India Company empowered to take in such part of their outward-bound cargo as they might find convenient, in the ports of Ireland, and also to import directly from the East Indies such part of the produce of that country as they might think proper.

He then recapitulated what he had already laid before the House, enumerating the several objections which had been taken to that part of his plan that related to the colony trade, together with the several resolutions he meant to propose, in order to overturn such objections; and then, calling the recollection of the House to the period when the principal part of the commercial concessions were made to Ireland, he desired them to recollect the serious alarm which the demands of that kingdom at that time gave rise to, and to consider whether those alarms had not been found futile and groundless, though at first taken up as loudly, and extending as widely as the present; whether having experienced how beneficial our bounty had already been to that country, at the same time that it had been of no prejudice to this, they ought to stop short now, at a time when so very little more would accomplish the whole, and when that little was necessary to give effect and operation to what had been done already. But he expected, that if any opposition were to be made to this measure, it might not come from a quarter which had already given so much, as to render the remainder not worth withholding, or if it were, not possible to be withheld. Above all, he hoped, that gentlemen would not oppose him on such grounds; as they must expose their own former arrangements to a great degree of censure, and involve, in their disappobation of the present measure, a condemnation of those acts of which they themselves had already been the authors. What he meant to allude to, was the objection, that as a considerable part of his plan would necessarily depend on an adjustment of duties, drawbacks, and bounties, that adjustment was liable to so many errors, as to render it extremely uncertain and dangerous to place any dependence on the accuracy with which it could be done. In the first place, he flattered himself there was no person who would take upon himself to say that such an adjustment was absolutely impracticable, nor, for his own part, did he think it even in any great degree difficult; but whether it was difficult, or whether it was impracticable, it was a part of the system on which the noble lord in the blue ribbon (lord North) had founded his former arrangement of that portion of the colony trade which, in his administration, had been given to Ireland. That concession had been made upon the same principle as the present, that of equalization between the two countries; nor could he see any reason why such an equalization could be less carried into effect upon the present than on the former occasion.

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Such, he said, were the outlines of the first part of his system, and which, accompanied by the necessary safeguards and regulations, he wished the House to adopt. We had hitherto bound, he observed, the friend we ought to cherish; we had treated, as an alien, instead of caressing as a partner: but, by a system thus comprehensive, unambiguous, and complete, we should remove the effect of former prejudices, and entitle ourselves not only to the zealous contributions of a generous sister, but, what was much more, to her gratitude.

That goods now prohibited, or subjected to duties amounting to a prohibition, should be admitted hereafter into each kingdom, under a duty merely sufficient to countervail the internal excise, formed the outline of the second part of the system. As other bounties which might defeat its end were by a particular provision excluded, this must be looked on as a conciliatory system, which would tend to diffuse, and thereby to increase, the wealth of both nations. To one effect only of this regulation an exception had been made: and an alarm had been spread in the northern part of this kingdom, as if the removal of the prohibition which now existed with respect to corn and grain would be highly injurious to the agriculture of Scotland: this dread, however, it was his intention to remove, by excepting corn, meal, &c. from the effects of this regulation. Beer, also, exported to Ireland, being already subject to a high duty, to countervail the internal imposition on that article in Ireland, would form another exception.

He then went through the different propositions as they had been submitted to the Irish parliament, making comments and alterations as he proceeded; after which he remarked, that of the numerous petitions which had been presented to the House, the objections of the greater part were perfectly wide of what might be expected from any who had given a proper attention to the subject. They had spoken of liberties now given, and of privileges unknown before; they dwelt on the rivalship that must take place between this country and Ireland in every foreign market; but they seemed not to know that these liberties, and this rivalship, subsisted by the laws already in existence. Every inconvenience that had been stated, flowed from the system that was now established, but went not to criminate that which was now about to be formed He had been, also, arraigned of arrogance and self-sufficiency in the prosecution of this business; but it was not in the power of words such as these to deter him from the prosecution of his duty, to drive him to little, temporising expedients, such as the sacrifice of a post-office or a court of admiralty. He was not, he said, one of those who thought, that if a session were passed without any thing material being done, it was a circumstance of pleasure and self-congratulation. It was his wish to place the arrangements between the two kingdoms on a basis the most durable; and in the pursuit of an end so important, he would not be deterred by clamour or misrepresentation.

Mr. Pitt then went into that part of the question which related to the apprehensions of certain persons, of being undersold, by the import of the manufactures of Ireland, in our own markets. He combated the doctrine, that Ireland, from the cheapness of labour, must necessarily be able to undersell the English manufacturer. Was it, he asked, because the rudest species of labour was somewhat cheaper in Ireland than in England, that the former therefore had the advantage of the latter? No. It did not depend on that sort of work which was required for the roughest and rudest occupations of agriculture, whether a nation was to flourish in manufacture or not; it was a habit of industry and ingenuity which were to effect it. He drew a distinction between the meaning of the words 'wages' and 'labour,' observing, that a man's wages might be extremely low, and yet the price of his labour very dear, provided that he did but a small quantity of work. He instanced in the example of an Englishman and an Irishman, that perhaps the latter, though receiving but 5*s.* per week, might really be a dearer workman to his employer than the former at 8*s.* provided the one worked hard, and the other was idle. He said also, that, besides the different degrees of the industry of the two nations, he was well informed, and sufficiently convinced, that the rate of wages, as well as of labour, was greater in Ireland than in England, in any branch of manufacture which required execution and ingenuity, instancing a gentleman, whom he described to be the first and the principal person in the cotton business in Ireland, (Major Brooke) who was several times in danger of losing his life, because he refused to allow his work-

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men a greater price than they had at Manchester. He could not help observing, that the fears and apprehensions of the manufacturers were extremely far-fetched and ill-founded; nor did it appear to him that there were such grounds for them as ought to weigh with any reasonable man. They had declared themselves to be under great anxiety and uneasiness, lest the Irish, in consequence of this arrangement, should be able to draw over all their workmen, all their trade, and all their capitals, and thus undersell them in their own markets, by at least 13*l.* per cent. He desired the committee to attend to that single subject. The Irish cotton trade was to be imported into England, according to this plan, at 10*l.* and a half per cent. duty, and yet it was said, they were to undersell the English manufacturer 13*l.* per cent. These two sums amounted to 23*l.* and a half per cent. Besides this, England had hitherto imported into Ireland at a duty of 10*l.* and a half per cent. This, therefore, added to the other two sums, would amount to 34*l.* per cent.; at which disadvantage, therefore, if the manufacturers who had stated this degree of danger to the House deserved any degree of credit, they had been hitherto dealing in Ireland, so as to have almost exclusively engrossed that market, and had increased and flourished to an extent hardly to be equalled by any other branch of trade known—a thing perfectly beyond the reach of belief, and even unworthy of a single serious thought. In another branch of manufacture, he said, there was the same sort of exaggerated danger represented to the House, by a person who had given a very long and copious testimony at the bar, and that in the most collected and deliberate manner that it was possible for any man to do; [he here alluded to Mr. Wedgwood, the earthen-ware manufacturer, who gave in his testimony in writing to the clerk]—and yet, from this gentleman the House could learn nothing more than that of his having wished to engross every market to which he had ever thought of sending his wares; and, although, by the bye, he did not well know how to send them to Ireland for fear of damage, by breaking and other losses, yet he was now determined, at all hazards, and at all risks of credibility and consistency, to run into every extreme that the present prevalent agitation of men's minds could prompt them to, in order to find nothing in those propositions but certain destruction to him and his manufacture if they should pass into a law. He most earnestly entreated the House not to suffer themselves to be carried away with the idea that a poor country, merely because she enjoyed some comparative exemption from taxes, was therefore able to cope with a rich and powerful country; the fact, he was ready to contend, was by no means so: on the contrary, the smallest burthen on a poor country was to be considered, when compared with those of a rich one, by no means in a proportion to their several abilities; for if one country exceeded another in wealth, population, and established commerce, in a proportion of two to one, he was nearly convinced that that country would be able to bear near ten times the burthens that the other would be equal to. This argument he applied to Great Britain and Ireland, and illustrated it with an example from England and Scotland. There was no gentleman, he believed, who would contend, that the taxes which Scotland paid, when compared with those of England, bore any proportion to their mutual and relative resources of wealth and power; and yet he believed, that, although every man must admit, that the connexion between them had been productive of great and manifest advantage to both, yet there were few would hesitate to say, that one country had been more benefited by it than the other, and that the event of that consolidation of interest which took place between the two British kingdoms, had been such as ought not to make England averse from a repetition of the experiment.

Mr. Pitt now proceeded to open that part of the plan which was entirely and exclusively favourable to this country, and which was to be the gratuity given by Ireland for whatever benefit she was to derive from the arrangement, and the compensation to England for any advantage she might give up. It happened, he said, that as this compensation bore an exact proportion to the advantages to be gained by Ireland, so was it of necessary consequence exactly commensurate to the effect of the concessions made by England; while, at the same time that it thus balanced the favour conferred and received, it over and above secured an additional advantage to each party, by considerably promoting the collective strength, prosperity and splendour of the empire at large. This compensation was the surplus of the hereditary revenue of Ireland, after deducting 654,000*l.* for the support of her

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own establishments, to be applied to the naval defence of the trade and commerce of each kingdom. In order to shew the House how certainly this compensation would bear a proportion to the benefit which Ireland was to reap from the new arrangements, he would state what the hereditary revenue was. It consisted of certain duties by custom on almost every species of goods imported; an excise upon some articles of the most general consumption; and a house-tax levied according to the number of hearths in each. The committee would see from hence, that this hereditary revenue would necessarily increase as soon as the new arrangement began to have effect, and in exact proportion to that effect, every article of which it was composed being so closely connected with commerce, wealth, and population. It was his idea, that the supply, whatever it might be, should be taken in provisions and stores, a mode which would be productive of equal benefit to both nations.

He should have, he said, on a future day, some remarks to make as to the regulation of patents, and the securing of copyright to their respective possessors. At present, however, he would detain the committee no further upon this part of the subject.

He then addressed the House in a most earnest manner, entreating them to consider and reflect how momentous the object before them was; that it tended to conciliate a difference between this and our sister kingdom, which, though now confined to secret repinings, to disgusts, to jealousies, and a war of interests and of passions, might perhaps, in time, proceed a length which he shuddered to think of, and could not venture to express; that it tended to enrich one part of the empire without impoverishing the other, while it gave strength to both; that like mercy, the favourite attribute of heaven—

"It is twice bless'd,
"It blesseth him that gives, and him that takes;"

that after the severe calamities under which this country had so long laboured, that after the heavy loss which she had sustained from the recent division of her dominions, there ought to be no object more impressive on the feelings of the House, than to endeavour to preserve from further dismemberment and diminution, to unite and to connect what yet remained of our reduced and shattered empire, of which Great Britain and Ireland were now the only considerable members, in the mutual bond of affection, of mutual kindness, and of reciprocity of interests. He called upon those gentlemen who had enjoyed a share at different periods in the government of Ireland, to declare, whether the time was not now passed when temporary expedients, when lenitives, calculated merely for the purpose of deadening the immediate sense of pain, without even approaching the seat of the distemper, could be administered with safety? Whether they could silence the demands which the Irish with a loud united voice were at this moment making, on the justice, the wisdom, and the humanity of the nation?

He apologized for having so long troubled the House upon a subject on which they had now been already for such a length of time engaged; declaring, that among all the objects of his political life, this was, in his opinion, the most important he had ever engaged in; nor did he imagine he should ever meet another that would call forth all his public feelings, and rouse every exertion of his heart, in so forcible a manner as the present had done. A question in which, he verily believed, was involved every prospect that still remained to this country, of again lifting up her head to that height and eminence which she once possessed amongst nations; and of giving to her commerce, her public credit, and her resources, that spring and vivacity, which she felt at the conclusion of the war before last, which were now so obviously returning, and which, he trusted, she would never be found to want, as long as liberality, public spirit, and disinterestedness, held their place in that House. He concluded with moving the first Resolution, viz. "That it is highly important to the general interest of the British empire, that the trade between Great Britain and Ireland be encouraged and extended as much as possible; and, for that purpose, that the intercourse and commerce be finally settled and regulated, on permanent and equitable principles, for the mutual benefit of both countries."

Lord *North* said, that the right hon. gentleman had introduced so many new resolutions, and had so materially changed the face of the propositions, that he would submit it to the candour of the right hon. gentleman, whether it would not be proper to adjourn the debate, and cause the new resolutions to be printed for the use of the members, in order that gentlemen might

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have an opportunity of reading them with attention, of considering their import, and making themselves masters of their tendency, before they were called upon to decide upon questions of such infinite importance to the two countries, and about which they could as yet be so little informed, in consequence of the very great alterations just introduced by the right hon. gentleman. There would be something, his lordship said, so extremely indecent in pressing the House of a sudden, to a decision of the leading question, that would pledge them to vote for all the rest of the propositions, before they were apprised of the true meaning of almost any one of them, that he could not for a moment suppose the right hon. gentleman had any idea of urging the committee to a vote upon the question before they parted, especially considering the very late hour of the night at which the right hon. gentleman had himself made the motion. For his part, he was utterly incapable of deciding upon the new resolutions which the right hon. gentleman had read in the course of his speech, or of entering into a discussion of their merits; he was not sufficiently informed of their particular tendency, to attempt either; all he could do was, to say, that on the first blush of them, they appeared to him to be amendments for the better, inasmuch as they materially contradicted and corrected the spirit and principle of the Irish propositions, which, as they had been originally introduced, appeared to him to be in the highest degree objectionable, impolitic, and unwise; and which, though as far as he had been able to discover, from having heard the resolutions read once, were yet far from being entirely cured of affording strong grounds for objection, greatly amended as he was ready to confess they were, by the new resolutions. For these reasons, he should not attempt to argue the grand subject that day; but should merely confine what he had to say, to a few of the many things of a personal nature, which the right hon. gentleman had thought proper to say of him, and of those who sat near him. The right hon. gentleman, he observed, rarely rose without attacking him, and treating him with a degree of marked contempt; to both of which he was most heartily welcome: but he would just remind the right hon. gentleman, that it somewhat discredited his argument upon any question, and discredited the question itself, for the mover of it rather to content himself with endeavouring to recommend it to the House by an abuse of what others had done on the same subject, than to rest it on its own merits. "There are some men, Mr. Gilbert, (said the noble lord) who seem to be organized for slander; there are some men who, by the peculiar temperament of their nature, find gratification in invective, and so eager are they for the enjoyment of their lust, that they go about to seek for blemishes, in order to expose them; and in the pursuit of their game, they will sometimes pretend to find them where they are not. Such men, if they propose any measure, are infinitely more desirous to make it stand upon the faults of others, than on its own merits; and such a man I take the right hon. gentleman to be." The right hon. gentleman undoubtedly felt a pleasure in abusing him; and therefore it shewed his ingenuity to fix upon such subjects to bring forward, as would serve to gratify his favourite propensity, though they would not afford much ground for sound reasoning in their support, or bear any great degree of compliment. Having made these ironical remarks on the Chancellor of the Exchequer's conduct, lord North proceeded to a justification of himself from Mr. Pitt's attack, and by a reference to facts shewed, that what he had granted to Ireland, when he had the honour of being first lord of the Treasury, had not been what the right hon. gentleman had stated, nor any thing like what the right hon. gentleman now proposed to grant, but merely a right to export and import to and from the West Indies, under certain circumstances of circumscription, safety, and security to the commercial rights of this country. So far was he from having been at any time willing to go the length of sacrificing the commercial interests of Great Britain to Ireland, that he had uniformly opposed such an idea, when the subject had come under consideration; and impressed with this sentiment, it was, that he had that day come down to the House determined to vote against the propositions, which he certainly should have done, had they stood in their original form. His lordship next entered into an investigation of the circumstances alluded to by a pamphleteer, who had, he said, been instructed to abuse him, and whose arguments and style so nearly corresponded with those of the right hon. gentleman, that a stranger would have thought the pamphleteer, and

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the right hon. gentleman, were one and the same person. [Lord North here alluded to a pamphlet entitled, "A Defence of the Irish Propositions," said to be written by Mr. Rose, and always mentioned by the name of the Treasury Pamphlet.] He contended, that it was unfair for any man to consider the report of a speech in parliament given in a newspaper, as a sufficient authority to urge it against him, as a proof of his argument or his declarations. It so happened, however, that the speech in question, given as it was, did not furnish ground sufficient to make out the pamphleteer's reasoning, or to prove that he had ever been an advocate for a surrender of the commerce of Great Britain to Ireland. His lordship read some extracts from the speech, as cited in the pamphlet, which fully corroborated his reasoning. He recapitulated also the whole of the transactions on the subject of the cessions that had been made to Ireland while he was in office, shewing that they had originated in an address of the Irish parliament pleading their poverty and distress; that when the cessions were made, the parliament of Ireland voted addresses of thanks expressing their gratitude for what had been granted them in the warmest terms, declaring themselves perfectly satisfied with it, and praising the goodness of his Majesty, and the wisdom of his councils, for having done them so essential a service. His lordship read extracts from all these various documents as he proceeded, which went to confirm the whole of his statement. He afterwards entered into some arguments relative to the particular effect that passing the propositions would have upon our different manufactures, and especially on the manufacture of iron, one of the most important we had. He at length concluded with paying a handsome compliment to Ireland, professing great good-will towards that country, and repeating what he had said at the beginning of his speech, relative to an immediate adjournment, declaring his expectation, that from motives of candour and decency, the right hon. gentleman would accede to such a motion.

Mr. *Fox* addressed himself to the chair, in substance as follows:

Mr. Gilbert; though I now rise to submit my sentiments on the present important subject, yet I beg it may be understood by the committee, that I shall cheerfully give way to any gentleman on the other side, who may be authorized to declare, that it is not meant to press us to a vote this night. I do not conceive it possible indeed, that any objection can be made to the motion of my noble friend. The vast variety of matter perfectly new, as well as the numerous alterations of that which we had previously before us, demanding the most minute and accurate discussion, surely the right hon. gentleman will not force the committee, at an hour so unseasonable, to come to a decision upon so difficult and so perplexed a subject. I have paused, Sir, to give an opportunity for discovering, if such be the intention of gentlemen: but I now find, from their continued silence, it is evident they are determined, at all events, to precipitate the committee to this extraordinary and unparalleled decision. I must, therefore, intreat a more than usual indulgence from the committee, if, compelled as I find myself to enter into this important discussion, I shall, even at so late an hour, intrude for a considerable length of time on their patience. The committee will recollect, that in addition to the eleven original propositions, no less than sixteen new ones are now for the first time submitted to parliament; so that at one o'clock in the morning, I have to enter into the discussion of no less than 27 of the most important and complex propositions that ever were the subject of parliamentary debate. Nor is this the whole of the difficulty: the 16 supplemental propositions are not confined to verbal explanations, or to mere literal amendments of the former; on the contrary, they directly change the whole tenor, and absolutely subvert the main principle of the original system, upon which the right hon. gentleman declared it to be his fixed intention to proceed; so that in truth they are altogether as unexpected, as they obviously are new and contradictory. Surely, therefore, under circumstances so very novel and embarrassing, I may with less presumption intreat the committee to forgive that unavoidable intrusion on their time, which must be the consequence of compelling us to come to a vote on so interesting and so complicated a subject, before it is scarcely possible for gentlemen to form even any general ideas on the whole of the subject, as it is now modelled.

But first with respect to this extraordinary system, most undoubtedly the claim of merit in being the author of it, can admit of no question. My noble friend has

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waved all possible pretensions to it; but not, I am sure, more cheerfully than I concur with him, in declaring it to be the sole and entire possession of the right hon. gentleman who has officially produced it. With him let the whole credit of it reside, undisputed and unenvied. He indeed who contends with him for its honours, must be instigated by unjustifiable motives: for, surely, never did there appear a work more completely, more indivisibly the sole and genuine composition of its author, than the present system evidently demonstrates itself to be exclusively the work of the right hon. gentleman. No necessity can be alleged to have given rise to it, for it flows from the mere will of the proposer. No urgent, no pressing calamity bore a share in its introduction. It is the offspring of peace and domestic tranquillity. Surely, therefore, it would be false and injurious to allege, that the people of Ireland had forced the British minister into a tame surrender of the manufactures and commerce of our country. The fact is directly the reverse. The British minister has proffered this surrender from his own mere motion, his own sound will, his own unbiassed judgment. Unquestionably, therefore, he, and he only, is clearly entitled to enjoy all the merits and all the honours of a system so completely and so perfectly his own.

Perhaps, indeed, from the examples which the right hon. gentleman has so frequently afforded us of a wonderful perseverance in the defence of his own opinions, and at the same time as complete an adoption of the amendments which we suggest, and he himself disapproves, we ought not to be very much astonished at any new and sudden appearance that his present system may have assumed; but I confess, however, it was with considerable astonishment that I heard the right hon. gentleman state his new propositions. For these, Sir, are at once, directly, totally, and vitally in contradiction to the whole of that system on which he set out, and from which, if we had trusted merely to his own solemn declarations, we must have believed it impossible that he could deviate in the minutest degree. In saying this, the committee must be sensible that I speak merely from the impression which the resolutions have made on my mind as they were cursorily read over and explained by the right hon. gentleman. I have not had time, and the committee are not to be permitted to have time, to read and weigh these propositions before they determine upon their merits—but such is the impression which, on the first blush, they have made upon my mind.

Sir, I have all along understood, that the basis of the right hon. gentleman's original system was reciprocity in correspondent duties, and reciprocity in the prohibition of the export of raw materials. Now, these principles, in my mind, the right hon. gentleman has completely abandoned in his new propositions; for particularly in the article of beer, an exception is made to the reciprocity in correspondent duties, and, in the seventh resolution, a change is made with respect to prohibitions. The right hon. gentleman has, therefore, retracted and recanted his original principles; he has abandoned the ground on which he set out, and on which he so frequently pledged himself that the whole of his propositions should stand or fall. He has abandoned the reciprocity in correspondent duties; he has abandoned the reciprocal prohibition of raw materials. In these instances, which if they are said to be trifling in themselves, are not trifles when considered as departures from principle, he has abandoned his ground; and by doing this, he opens a new system, and comes forward with a set of propositions, so far forth diametrically opposite to, and fundamentally different from, that system which he himself has most repeatedly assured us could not possibly admit of the slightest change, and was, indeed, to be wholly inviolable.

Sir, the right hon. gentleman reprobates the charge which has been imputed to him, of rashness in the original propositions. Was there ever a charge made with more truth, or demonstrated with more clearness? Has not the right hon. gentleman's conduct on this day given the most unequivocal testimony to the original rashness of his system? What can be a more decisive proof of original rashness, than subsequent retraction? The right hon. gentleman brings forward a set of resolutions, as the basis of a system for the intercourse between the two countries; he pledges the government of this kingdom for the literal establishment of his system; he proudly resists inquiry, and scorns deliberation: but, when circumstances arise which he has not ability to overcome, and time, in spite of his opposition, is procured for inquiry and discussion, he is constrained to acknowledge the errors of his first opinions, and he comes

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forward with a set of propositions directly the reverse of the former. If this does not exhibit the rashness of the right hon. gentleman in colours more warm and durable than any with which we on this side the House are able to characterise his conduct, I submit to the committee and the public. The rashness of the right hon. gentleman, is proved by the right hon. gentleman himself; and it is singularly striking—that by the whole of his behaviour—the rashness of one day is to be proved by the rashness of another. He now brings forward to the committee a set of propositions directly contradictory to those on which he first proceeded; and having thus himself demonstrated the rashness of his own conduct in the first instance, he becomes enamoured of this boasted weakness, and yet most liberally determines that we also shall be admitted to a full participation of it, by a rash, premature adoption of these his latest notions; which, however, may as suddenly and as consistently be abandoned as the former. So hostile is he to deliberation, such an avowed enemy to every thing that looks like inquiry and reflection, that even on this day, when he is suffering the shame of rashness, he calls upon us to be rash. Although his propositions have been but once cursorily read over, and in that reading embellished and set off with all the lustre of his eloquence, — although they are perfectly new,—and although he has not submitted them to the committee till after midnight, he demands and compels us to come to a vote on them. The decency of this conduct I will not insist upon; but thus driven, thus forced to a division, I must, however unwilling to give a hasty negative, vote directly against his propositions, as conceiving them to be at the best unnecessary, most probably pernicious, but undoubtedly so productive of an entire revolution in our commercial system, as to involve a train of consequences, against which the wisest and best characters of this country might despair of providing any adequate security.

But, Sir, I congratulate the committee — I congratulate the country — on the happy escape which we have had from the system proposed by the right hon. gentleman but two months since. That system, the ruin of which has been this day so ably demonstrated, was then within four and twenty hours of being carried through this House: so that, when we look back on all the circumstances of the case, we have indeed good reason to rejoice in our fortunate escape. The first propositions, when they were originally opened in this House, were pronounced to be so pure and beneficial—so clearly and demonstrably perfect, that not a moment was to be wasted in a useless discussion of their merits. The right hon. gent., therefore, inveighed against the strange, uncandid opposition which was made to those his first propositions. He attributed the opinions of this side of the House to mere faction and disappointment: he called our solemn appeals to the legislature and to the nation, illiberal artifices to excite unnecessary clamour: he gave a haughty defiance to the manufacturers and merchants, to exhibit any reasonable argument against a system so replete with every beneficial consequence to themselves; and he triumphed in the circumstance, that for some days not a single petition was brought to the House from any part of the country against those propositions: afterwards, indeed, he was forced to abate his triumph; he found no want of petitions, nor of argument; but his language was still lofty, and his mind implacable. His system was so superior to the petulance and faction of those who opposed it, that he declared his resolution of carrying it into a law, even to the letter of the specific resolutions. Convinced, however, as we always were, that these resolutions were fraught with injury and ruin to the manufactures and commerce of this country, we warned —we conjured the House to deliberate— to call for information—to examine those who, from their situations, were the most likely to be possessed of intelligence. We called for the commissioners of customs, and the commissioners of excise, that the House might learn from them, whether from the operation of these resolutions the revenues of the country were not instantly exposed to insurmountable dangers. The right hon. gentleman reprobated the proceeding. He asserted, that we called for these commissioners merely to gain time; that our purpose was insidious delay, in order to inflame the public, and stir up factious clamours. But what has been the issue of all this? Will the right hon. gentleman now dare to attribute our conduct to those unworthy motives? The commissioners, whose opinions on the subject he considered of so little avail, have declared by their report, that material and alarming injury would unavoidably arise from these resolutions, fraught, as they

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conceived them to be, with innumerable dangers. But still more strongly has the right hon. gentleman himself, on this day, described, in his own beautiful language, the variety of ruinous consequences that must have attended his original system. He himself has enumerated to the committee the long train of evils we have escaped, by opposing his propositions—he himself has emphatically described the destruction we should have incurred by adopting his own exploded system. Let the committee recollect the detail of fatal consequences thus authoritatively admitted.

First, it has been now admitted, that if the original resolutions had passed, we should have lost for ever the monopoly of the East-India trade. It has been admitted, that we could no longer have renewed the exclusive charter of the Company; but the sister kingdom, having once an equal power with ourselves to trade to Asia, we must wholly have depended on the will of Ireland for a renewal of the charter, by which the monopoly could alone have been maintained.

If these resolutions had passed into a law, it has equally been admitted, that we must have hazarded all the revenue arising from spirituous liquors; no distinction having been made between our own and foreign liquors, nor any provision thought of to prevent their admission into this country.

If these resolutions had passed into a law, we should equally have sacrificed the whole of the navigation laws of this country. These laws, the great source of our commercial opulence, the prime origin of our maritime strength, would at once have been delivered up in trust to Ireland, leaving us for ever after totally dependent on her policy, and on her bounty, for the future guardianship of our dearest interests.

If these resolutions had passed into a law, we should have opened the door to a more extensive contraband trade than ever yet was known to exist in this country; for not a shadow of protection was provided against every species of smuggling, not even the means which we think it necessary to use in our own traffic from port to port—that of requiring bonds, cockets, and other instruments, on goods sent coastwise.

If these resolutions had been carried into a law, we should have endangered the loss of the colonial market to the manufactures of Great Britain; for no care was taken to prevent Ireland from giving bounties, or allowing drawbacks, on goods exported to the colonies; so that it was left in their power to give so decisive an advantage to their own manufactures, as must have ascertained to them the market, or, which would have been equally ruinous, have forced us to enter into a warfare of bounties, to the extinction of our revenues.

If these resolutions had been carried into a law, dangers as extensive must have equally been incurred by our colonies; for not a single provision was stipulated for laying permanent high duties on the produce of foreign colonies imported into Ireland; so that, at any future time, Ireland might have taken off the annual high duties, and given admission to the produce of foreign colonies, on terms which must completely have ruined our West India islands. I need not state to the committee a fact so universally known, as that the produce of our colonies is dearer than that of the foreign islands. But we have nevertheless preferred the home market, on account of the natural interest which we have in them; and undoubtedly we must continue to do so. Ireland has no such obligation: on the contrary, her interest would as forcibly lead her to the foreign colonies.

If these resolutions, therefore, had passed into a law, we should have been irretrievably bound to our part of the bargain, whereas Ireland would by no means have been confined to hers.

If these resolutions had passed into a law, by the monstrous incongruity of the fifth, it would have been in the power of Ireland to draw a revenue from our consumption. They had only to lay an internal duty in Ireland, on the articles of our consumption, equal to the internal duty that might exist on such articles in this country, and it must have followed, that they of course would have drawn the revenue from the country that was to consume the goods. This astonishing absurdity is done away by the removal of the latter part of the fifth resolution. Thus, also, if these resolutions had passed into a law, the leather trade must as certainly have been ruined; for though we were bound in all future time to send our oak-bark to Ireland duty free, Ireland was not bound to prohibit the exportation of raw hides to Great Britain, without which the trade could not subsist.

These, Sir, are some few of the evils,

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which confessedly would have taken place, if the original resolutions, which the right hon. gentleman proposed but two months ago, had unfortunately passed into a law. All these menaces, these fatal consequences of his own rash system, the right hon. gentleman has on this day himself acknowledged, at the same moment, that he introduces, for the first time, a new set of complicated propositions, in remedy of the detected mischiefs of the former. In doing this, he has at once completely changed the ground on which he first set out; for having originally declared, that the very spirit and soul of his system was to square and finally determine the relative situation of the two countries, he then maintained that this salutary, this grand, this primary object, could only be accomplished by a complete and perfect reciprocity; yet that essential, that vital principle, he has now totally and directly abandoned, as well in the remarkable change which he has introduced in the seventh resolution, as in the article of beer, the export of which is of infinite consequence. Reciprocity, therefore, which was the vital principle, the spirit, the quintessence of his system, is now completely abandoned.

Sir, that these alterations are for the better, I most cheerfully admit. Undoubtedly, they tend to make the present system far more palatable to Englishmen. Why then, it may be asked, do I now state them? Clearly for this reason: to manifest to the House the important benefits of deliberation. I mention them, to shew that the alarm given by gentlemen of this side of the House, was a most fortunate alarm for this country. By that fortunate alarm, the manufacturing communities in every corner of the kingdom have been apprised of their danger; they have had time to come forward; they have had time to give those lights to the committee, which have been the happy means of producing the alterations of this day. I mention them to shew what must have been the consequences to the empire if the committee had implicitly fallen into the system, which the rashness of the right hon. gentleman, I will not say his ignorance, but which, to give it an easier term, his extraordinary confidence in his own abilities, induced him so peremptorily and so authoritatively to propose.

There is also another, and even more powerful reason for my enlarging on these important alterations. It is, Sir, to convince the committee, that there is still a powerful appeal to our equity, our benevolence, and even our common sense, for affording the merchants and manufacturers of this country a much longer period of deliberation, and surely as strong a claim on the justice of the minister, to suspend the vote of the committee on a question of such infinite magnitude to all our just and dearest interests. The committee will be taught, by a due estimation of the benefits already acquired from salutary delays, that most important advantages are to be derived from fair inquiry and impartial discussion. If in two months such serious and consequential errors have been discovered, what may we not expect from longer time and more careful investigation? If in two months the right hon. gentleman has gleaned so much from this side of the House, and from gentlemen whose ideas he certainly is not much disposed avowedly and ingenuously to adopt, however willing he may be to benefit in secret from them, what may we not expect, when his bright talents have had more time to work on the suggestions with which we have furnished him? That he has largely profited from this side of the House, the committee will readily perceive; neither will they, I believe, consider it extremely presumptuous, if I arrogate some degree of honour to myself, in having contributed a little to the amendments of this day. From my right hon. friend (Mr. Eden), the minister has certainly collected many more of his new opinions. Surely, therefore, from the excellent use which the right hon. gentleman has already made of our discoveries and suggestions, it will more and more be the wish of all impartial men, that he should have time to mature the many other matters which he has not yet so far honoured us as entirely to adopt. For what must be the fruits of those ideas, how ample, how rich must be the harvest they produce when his protecting hand shall raise them from obscurity to a richer soil; when he himself shall "transplant them to his own fair garden where the sun always shines?" Nothing surely can be more beneficial than to wait for their mature production: I speak for myself, and I am sure I may speak also for my right hon. friend and the other gentlemen round me, that we shall be happy to trust our progeny to his care. If he is a plagiary, he is a plagiary uncommonly endowed; for he decorates that which he steals in apparel so gay and luxuriant, he enriches whatever he takes with such additions of flowers

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and embroidery, that though, as their legitimate parents, we recognize our own offspring, we view them with no small degree of wonder in their strange and sumptuous attire. On this day, indeed, we may be proud to contemplate the predominating efficacy of our own suggestions; and on this day alone has the right hon. gentleman, for the very first time, condescended to depart from the usual stateliness and overbearing sense of his own superiority. Upon this day, with new and unaccustomed affability, he neither reprobates nor reviles the opinions to which he has deigned to accede. It is to us a strange and unexpected triumph, not indeed to have our ideas received by the right hon. gentleman (in that acceptance he is courtesy itself), but to hear them, even in the moment they are admitted, unstigmatized by the receiver, nor as usual traduced in words, while they are approved in fact, and vilified at the very moment of their adoption.

The right hon. gentleman, whom my noble friend (lord North) most truly painted, when he asserted, that "he had a mind which found gratification in invective," has this day alluded to a letter written by the noble lord as a dispatch from Ireland, during the administration of which I had the honour to make a part; and he has insinuated, that the letter manifested an intention in that administration to have gone the lengths of the present system, "if they had had energy sufficient for so great an adventure." I did not expect that even from him such a construction would have been put upon that dispatch. From his colleagues in office, I am confident of meeting with more candour. But the letter has been read: I submit to the committee the terms of that letter, and call upon them to say, if the English language could furnish expressions more decisive of the contrary opinion, than those in which we declared to the lord-lieutenant, that we could not encourage him to make a promise to Ireland, which, if fulfilled, would be destructive to Britain. In that opinion we were then unanimous, and to that opinion we firmly adhere. But are these the arts by which the noble lord and I are to be degraded in the eyes of Britain? Let the minister persist in these unworthy insinuations, he shall not deter us from what we know to be our duty. He shall not overcome that deliberate firmness which, after healing the calamities of Ireland, and happily establishing both her commercial and constitutional liberty, had sufficient spirit, sufficient justice, to withhold what it were ruin to relinquish, and what indeed was as little expected or sought by Ireland, as it was safe or just for an administration here to bestow. That letter, which was written by the noble lord in his official capacity, was of too much consequence to be written under the sanction of any individual department. Every one of his Majesty's confidential servants was privy to the measure; nor was any dispatch ever made up on a more decided and unanimous opinion. Let the right hon. gentleman refer to some of his present colleagues for information on the point. "As to the want of energy—the temporizing spirit—the half measures—and the expedients of getting over a session by a Post-office or an Admiralty-court;" all these are insinuations which my noble friend has completely refuted. Neither the Post-office nor the Admiralty-court were conceded as expedients to get over a session; they were neither given nor accepted as boons; they were the natural consequences of the previous change of system; they flowed naturally from the new situation in which Ireland stood by the independence of her legislature. What occasion had we for expedients to get over a session? The lord-lieutenant of that day enjoyed as high a degree of confidence, and deserved it as well as any nobleman that ever filled the station. We were guilty of no violences, and there existed no clamour.

I cannot help stopping here for a moment, to make a remark on a curious distinction to which the right hon. gentleman appears most remarkably attached; a distinction which betrays a feeling that I cannot well describe—a sort of self-complacency—a kind of over-pleasure with his own situation. In speaking of the noble lord in the blue ribbon at different periods, he is ever solicitous of distinguishing between the First Lord of the Treasury and the mere Secretary of State. In the one character he ascribes to him all the dignity of sovereign rank, of superintendency, and of sole authority—in the other, he considers him as rather acting under or with a ministry, than as a minister possessed of either power or responsibility. He says of him at one time, "When the noble lord was the minister of the country." At another, "When the noble lord held a subordinate situation in the cabinet." By these distinctions, the right hon. gentleman takes

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a juvenile pleasure in glancing at his own elevation. He considers the personage who fills the united offices of Chancellor of the Exchequer, and First Lord of the Treasury, as a character so lofty and exalted, so supereminent in his station, that he must on no account be confounded with inferior persons. In like manner, when he talks of coalitions, and reprobates them, he is moved by the same feeling. His charge against me and others is for coalescing with the minister, the great superintending minister of the American war! His own coalitions he can readily defend by the very same distinction; "I own," he says, "I have certainly coalesced with some of the ministers who were concerned in the patronage and conduct of the American war: they, however, were inferior characters; lords chancellors of England, and such like persons, of no account: but never have I been so infamous and abandoned, as to form a coalition with the Chancellor of the Exchequer, and the First Lord of the Treasury, the great superintending minister of the Crown, who was the soul of the system." I do not, Sir, enlarge upon this feeling of the right hon. gentleman, as a charge against him: it is a feeling, in the enjoyment of which I am by no means inclined to disturb him: a feeling in the enjoyment of which, I know of no person that has any interest to disturb him; unless, indeed, there may be some of his immediate colleagues, who may think it would be somewhat more decent in him to gratify his passion or his pride in a mode less publicly offensive both to their spirit and their dignity.

But to return, Sir, to the propositions on the table, I must now renew the observation that I made in the outset of this business; namely, that there was a gross and fundamental error in originating these propositions in the Irish parliament. Independent of the insult to the parliament of this country, in not submitting, for their consideration, a great and extensive innovation in the whole system of our commerce, till after it had been determined upon in Ireland—surely the experience of this day sufficiently demonstrates the impolicy of so strange a measure. For is it not evident, that, after the parliament and people of Ireland have been suffered to cherish the belief, that the resolutions which the ministers of that kingdom assured them would be religiously adhered to as the basis of the new system, the ministers of England come forward, and change the spirit, principle, and tendency of these resolutions? Is it to be imagined, that, after the solemn pledge which the people of Ireland have received from their ministers, and which undoubtedly was held out to their parliament, as a sufficient ground for an immediate extension of their revenue—is it to be imagined, I say, that, by any private tampering with the individual leaders of a party, the whole body of that nation will as rapidly acquiesce in the supplemental resolutions now brought forward as they at first did in the original propositions; and when, too, the latter are directly framed to weaken and diminish the effect of the former, which those who proposed them in Ireland, had peremptorily insisted should never undergo the slightest or most minute infringement? Nothing could be more absurd than the state of this proceeding. First, the original propositions were made in Ireland—now, the amendments are made in England. The Irish thus exposed what alone would content them, and they were offered it without knowing whether it was what England would grant. Now England is called upon to say what she will give, without knowing whether it is what Ireland would take. Thus, a double inconveniency and dilemma arise from the strange and incoherent proceeding. Nor is this the only impolicy in the mode of conducting this extraordinary measure.

His Majesty's ministers have erected a board of trade under the name of a Committee of the Privy Council, which certainly, with proper regulations, I should consider as a wise and wholesome institution: but this board was appointed not to prepare materials for the system with Ireland; not to supply government with information upon which they might deliberately proceed to the adjustment of the intercourse between the two kingdoms. On the contrary, this board was appointed to inquire rather into the propriety of what ministers were actually doing, than what they ought to do. For, at the precise time when Mr. Secretary Orde first agitated the business in the Irish House of Commons, this committee of the privy council were employed in the examination of evidence, and the discussion of points on which the merits of the proposed arrangement were ultimately to be estimated. Never, surely, was a board of privy council so perverted, so degraded as this! Not appointed to investigate and examine all the necessary evidence as a

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preliminary to an important measure—not constituted to deliberate on the various effects of a great national change, the outline of which was merely in idea, unsettled, and unadopted by the minister; but, in truth, to provide a posthumous defence for a plan already fixed, and to fabricate a vindication for mischiefs too far advanced to admit of qualification or amendment. With such views, and for such purposes, was this board of privy council at first convened. A right hon. gentleman (Mr. Jenkinson), whose feelings on being studiously excluded from all the ministerial departments of state, it was found not wholly inexpedient to console and sooth, by some temporary delegation of insignificant eminence, was prudently appointed to the presidency of this mock committee. No higher mark of confidence was then bestowed on the now avowed associate of the great superintendant minister. On the report however of such a board thus constituted and thus directed, did the Chancellor of the Exchequer call upon this House to depend with unreserved confidence for the complete justification of his plan; in other words, we were to trust the most important rights of British commerce to the opinion of a board of the King's privy counsellors, appointed by the King's ministers themselves, to inquire whether the measure that they had adopted was wise or the contrary. Can the committee imagine any thing more frivolous, more absurd, than so partial an appeal? Do we not all know, that when his Majesty's ministers are committed on any one point, the servants whom they employ must be careful not to deliver an opinion hostile to that measure? The board of council are selected by the minister, not as deliberate judges of his conduct; it were the extreme of folly to consider them in such a light: on the contrary, it was their object to afford every possible support to measures which they were called upon directly to countenance. This always was, and ever must be, the case; and so the committee of privy council in the present instance seem entirely to have considered it. At first, indeed, before the minister had thought it safe to communicate his plan to the right hon. president of this board, some opinions, far from favourable to the plan, did appear upon their minutes, and of course are still to be discovered in their report; but this was a transient gloom: from the moment that the present complete intelligence and intimacy was established between the right hon. president and the ministers, a new light seemed to flash at once on the whole board of council; the happiest means were instantly pursued to effect the concealment of ministerial error; the most decisive mode of examining witnesses was systematically observed; not only the most apt and artful questions were propounded, but with equal skill the most fortunate answers were generally provided; all, however, was carried on with much plausibility and stateliness of deportment. "It was an open court, it was accessible to witnesses of all descriptions, and accordingly" (as was repeatedly asserted) "gentlemen attended them of their own accord, and voluntarily offered their impartial testimony, on the various articles of their respective manufactures." But how has this description been verified? We have it in proof, that every individual witness who attended that board, was expressly sent for—and that questions were put of an abstract nature, and on premises unexplained. We have found, too, that the answers so obtained were reserved, to be brought in contradiction to opinions which, when the premises were fully examined, and the consequences weighed, it was obvious could not fail to be stated in testimony at the bar of the House of Commons. The right hon. gentleman, who is at the head of this board (Mr. Jenkinson) has thought proper, however, to inform us, that the manufacturers were voluntary attendants on the committee. But to this more than one gentleman of eminence and respect has directly answered, that in truth the witnesses were expressly sent for; Mr. Rose of the Treasury having repeatedly entreated them to attend the committee. "Aye," says the right hon. gentleman, "but we have nothing to do with Mr. Rose, nor with the Treasury, we did not send for you."

It is said in praise of simplicity of action, "That the right hand knoweth not what the left hand doeth." Perhaps this may be the case here; but which, Sir, is the right hand and which the left of the present administration, it is not so easy to ascertain. Certainly, the Chancellor of the Exchequer has, till of late, been fond of disclaiming all connexion with certain obnoxious characters. He has generally, in high tone, and pompous parade, disavowed and reprobated all intimacy, all friendship, all connexion, with the right hon. gentleman who has long been sus-

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pected of promoting an undue influence in the government of this country. But all this was the language of a period when the momentary popularity which the minister had obtained had placed him above the degradation of so obnoxious a connexion. When the conduct of the popular branch of the constitution was bestowed upon the present minister, under the description and character of a popular statesman, it would indeed have been madness in the extreme to have held any other language of one, whose habits, whose principles, whose avowed prejudices, marked him out as utterly disqualified for a situation, which, even in common prudence, ought never to be subject to the direct control, or to the disguised influence of prerogative. When the scene, however, began to change, when the Irish resolutions excited alarm, and the minds of men were irritated at so lavish a surrender of every thing that was dear; when the right hon. gentleman began to feel himself weak and insecure, his language was less inflated, his proud rejection of obnoxious characters was heard no more:

"Telephus et Peleus, cum pauper et exul uterque,
"Projicit ampullas et sesquipedalia verba."

"Misery makes us acquainted with strange companions." For my own part, Sir, though I have always considered the right hon. gentleman alluded to, as an objectionable character for mixing in the conduct of the British government, yet I must do him the justice to say, that in this singular instance, his cautious temper, his patient laborious habits, have undoubtedly been well employed in correcting the strange incoherent levities of the original propositions. And, therefore, it would be wholly unfair to withhold the merit of some of the alterations of this day from the instruction and advice so generously administered by the right hon. gentleman (Mr. Jenkinson) in the hour of danger and necessity.

But to return, Sir, to the Committee of Privy Council. I cannot suppress my indignation at the petty, miserable plan, which I am sorry to find they have pursued, of first entrapping witnesses, by inducing them to give hasty answers to questions unexplained, and afterwards endeavour to detect contradictions in their evidence, when they came, at the distance of six weeks, to speak at the bar of this committee. Upon such conduct, very ill-becoming a board of privy council, I cannot but observe, that undoubtedly it would have been far more graceful for the right hon. gentleman to have lent his utmost aid to the manufacturers of this country, when they were forced to the bar of this committee, in support of their dearest privileges: surely, upon such an occasion he ought himself to have manfully declared, "I rejoice to see you here: eager as I am for the discovery of truth, I am happy that you are come to explain all those points in which you have either been mis-stated or misrepresented by the committee of council. You have now an opportunity to correct those errors; improve it with all the sincerity and zeal that are the best characteristics of Englishmen." Such, Sir, ought to have been his language, for surely it is by no means discreditable for a man of the strictest honour to explain his opinions, when more mature reflection and greater light on the subject have convinced him that he was wrong. And, yet, in pursuing a line of conduct diametrically opposite to that which I have described; in adopting the poor and miserable expedient which the minister preferred to the plain feeling of justice and honour, I pledge myself to prove, that, with all their sinister industry to confuse and to pervert, they have completely and utterly failed; for not a single instance have they been able to offer, of glaring and material contradiction upon any one of the numerous witnesses who have been the constant objects of their illiberal attacks.

I have said, Sir, that so far as I have been able to comprehend the alterations, by hearing them once read over, I am ready to acknowledge, they are infinitely more palatable than at first; but I desire to be understood, that I still insist, they are by no means what they ought to be. Much of my objection remains; and I have no doubt, but when gentlemen come to discuss the amended resolutions, they will yet exhibit weighty arguments against their acceptance, as the basis of the future intercourse between the two countries.

The right hon. gentleman has now removed the objection which originally existed against the first Resolutions; namely, that we thereby sacrificed the monopoly of the Asiatic trade. How the right hon. gentleman could originally overlook that most important concern, unless he meant to abolish the monopoly, is a point for which I am utterly at a loss how to account. Surely, the peculiar ser-

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vices which the Company have rendered to his administration, might well have claimed a more serious attention to their particular interests, than the right hon. gentleman seems to have paid them at the present important crisis: but roused to the performance of his duty by the zeal of gentlemen on this side of the House, he has at length, indeed, made some provision for the security of the East India trade. Certainly I do not grudge to the people of Ireland the benefits which he has allotted to them in this branch of commerce: it is by no means improper that they should have a share of the outfit of the East India ships, as they consent to a part of the return. Excluded from the commerce of Asia, it seems but barely equitable to permit them to supply some proportion of the export trade. On the contrary, if at any time either the necessities or the mere will of the East India Company should resort to Ireland for such supplies, in preference to the established trade with their own native dealers, I am sure there is no Englishman of sense or spirit who would debar Ireland from every fair participation of those benefits which may be safely and justly divided.

The right hon. gentleman has made use of the most unfortunate argument that I ever heard delivered by the most unfortunate speaker in this or in any assembly. He says that giving to Ireland the English market for the issue of colonial produce, though it will not enable the Irish to enter into any dangerous competition with us at home, will yet be of great avail to them, for they will thereby be more capable of taking advantage of the foreign market. This he explains by saying, that having the issue of the English market to depend upon in the last resort, they will have a greater spur to adventure; they will import more of the produce of the colonies; and, trusting to the power which they will now have, of coming in the end to England with their commodities, they will strive to increase their foreign trade, and necessarily make their country a sort of commercial *depôt*. If this argument is true of the colonial produce, it is equally true of their own manufactures. If they have the advantage of having the English market as an issue to enable them to push their foreign trade to a considerable increase in the colonial produce; then, with precisely the same ground, may we contend, that, having the issue of the English market, they will be able to advance their foreign trade for their manufactures.

Here, then, is an end to all the invective which was thrown on the manufacturers, for having asserted that those resolutions would affect the manufactures of Great Britain in the foreign market: they were told with petulance, that they did not understand the matter; and that if there was any danger of meeting a powerful competitor in the Irish manufactures at the foreign market, that danger existed before; that the foreign market had always been open to the Irish manufacturer—true, and of this they were not ignorant: but Ireland had not till now the sure issue of the English market as a collateral security for enterprize, and as a spur to speculation. I thank the right hon. gentleman for this argument; but I must apprize him, that it refers more to manufactures than to colonial produce. Does he not know, that in colonial produce, the home market is every thing, and the foreign market nothing? In manufactures it is the contrary, or nearly so. There was good ground, therefore, for the manufacturers to state, that they should now find a dangerous competitor in Ireland at the foreign market.

With respect, Sir, to the Navigation Act, upon which I have said so much in the course of this discussion, do we not now find that all my apprehensions were well founded? The right hon. gentleman has at length acknowledged, that the Navigation Act was in danger, notwithstanding his repeated declarations to the contrary. This conviction may be collected from the nature of the remedy he has thought it expedient to adopt. Strong must have been the apprehensions which suggested such a relief; it is a relief which, in the peculiar circumstances of the two kingdoms, will require very particular consideration indeed, as its tendency is no less than this—that notwithstanding the independence of Ireland, she must still, in commercial laws and external legislation, be governed by Britain. That she shall agree to follow whatever regulations we may think it right to pursue from time to time for securing privileges to our shipping, or for restraining the trade with our colonies; and that such laws shall be in full force in Ireland, is a remedy certainly of a very hazardous kind: but, Sir, though it goes so far, it does not satisfy me; it is dangerous indeed, but not efficacious; nor do I think that, strong and bitter as it is, it

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will be attended with the effects of preventing the various and radical evils which are attached to this pernicious system. I am of opinion, that even if Ireland should agree to this provision, we shall deliver up into the custody of another, and that an independent nation, all our fundamental laws for the regulation of our trade, and we must depend totally on her bounty and liberal spirit for the guardianship and protection of our dearest interests.

Now, Sir, although I feel as strong a disposition of partiality and favour towards the Irish nation as any man in this House; although I believe them to be a people as distinguished by liberality as any people upon earth, yet this is not of all others the particular point in which I would choose to trust to their liberality. I think the guardianship of the laws which I have mentioned, can be deposited in no hands so properly as in our own. It would be the interest of Ireland to evade those laws; and I ask you what security there is for the due performance of a commercial contract, when it is the interest of a nation to evade it? He who trusts to the vague and rash notions of abstract right in preference to the constant and uniform testimony of experience, will find himself miserably deceived in his calculations, on all subjects of commercial or political discussion. When it is the interest of a nation to evade a law, that law will be evaded; it always was so, and it always will be so. Perhaps there is no instance of a country more tenacious of engagements than our own; but, do we not all know, that, finding the illicit trade which was some time ago carried on to the Spanish main, highly beneficial to the country, that trade was connived at, though in the very teeth of our national engagements. Now, Sir, when it shall be felt, that Ireland will be materially benefited by evading our laws, and that the introduction of foreign sugars will be so much more valuable to them than the legal importation of our colonial produce, is it to be imagined, that the people of Ireland will, out of mere love and liberality, shut their eyes against their own immediate interest; or that the laws which may be made in conformity with this new system, will be enforced with vigour and with efficacy? Interest is the leading impulse with nations; and it supposes nothing unfavourable to the Irish, to suppose, that the common feelings which actuate all mankind in their public character as states, may prevail also with them, when it shall be found, that foreign sugar may be introduced 15 or 20 per cent. cheaper than our own: and when it shall be found, that they can be introduced in American bottoms cheaper than in shipping navigated according to the law of Great Britain, it is idle to suppose that they will not be so introduced, that this sinister advantage will not be so obtained; that is, in other words, that the commerce of England will not be so affected and diminished.

Mr. Orde, on opening his system to the Irish parliament, if we may trust to the report of the newspapers—(and that we may do so, is evident from this circumstance, that though Mr. Orde was in London several days, he never came down to the House to contradict the reports, though argument was daily founded upon them)—stated that Cork would become the emporium of the empire. This expression, to be sure, he afterwards changed to a term more prosaic and modest, affirming, that his original phrase had been that Cork would become the medium of trade to the empire. The difference is immaterial, except in the sound of the word; for by medium I can understand nothing else, than that the produce of the Western world will, in the first instance, be imported into Ireland, be deposited there as the magazine of the empire, and be subsequently dealt out to Britain as her wants may make such application necessary. We have a less sounding and less intelligible phrase; but the real meaning remains still the same, and the measure of oppression and injury unchanged or unabated. That Ireland will be this medium, I have no doubt; and its being so, will produce an evil beyond the mere loss of the direct trade to our colonies; for there is every reason to believe, that by this means, the produce of the French and other foreign colonies will find their way into the country, to the ruin of our West India planters and merchants. But, says the right hon. gentleman, it is not to be believed, that a circuitous voyage, as this will be, can be preferred to a communication with our colonies; and in a whisper across the House he says, that Britain even now supplies the Irish market with colonial produce. This, Sir, in my opinion, strengthens my argument; such is the decided benefit resulting from having two markets instead of one, that now we are able, with all the disadvantage of the circuitous voyage, to supply Ireland. What, then, must be the consequence to Ireland

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when she shall enjoy the double market, added to all the advantages arising from harbours so admirably accommodated by the hand of nature for the intercourse in question; from cheap labour, and from an almost total exemption from national burthens? She will indeed become the emporium, or if the right hon. gentleman, out of compliment to his friends in England, likes it better, the medium of trade to the general empire, and indeed almost exclusively so with respect to the produce of our colonies!

The right hon. gentleman has been anxious to set up an argument in favour of this country, that great capital would in all cases overbalance cheapness of labour. I know this to be the fashionable position of the present times, and of the present government: but general positions of all kinds ought to be very cautiously admitted; indeed, on subjects so infinitely complex and mutable as politics and commerce, a wise man hesitates at giving too implicit a credit to any general maxim of any denomination: and with this conviction in my mind, I am prepared to controvert the position of the right hon. gentleman, at the same time that I do not desire to be understood as wishing to establish the contrary. I do not think that great capital will always overbalance cheapness of labour, nor that cheap labour will always overbalance great capital; as general theorems, I dispute both, at the same time that I am clearly of opinion, that under certain circumstances both may be true; we have known several instances in which the cheapness of labour has triumphed over greatness of capital. In the rapid transitions of fortune in this country, do we not daily perceive the triumphs of industry over wealth? Have we not abundant precedents to shew, that our manufactures have changed their positions in this country merely on account of the cheapness of labour and provisions? Have they not within these 30 years travelled into Scotland? and is it not likely that precisely for the same reason, together with other incitements, they will migrate to Ireland? But, says the right hon. gentleman, the difference is not so great as is imagined in the price of labour; it is only rude labour which is cheap in Ireland, and the finer parts of work are much dearer there than in England. In proof of this assertion he brings captain Brooke to the bar of the House of Commons, a gentleman who has established a very considerable manufactory of cottons in Ireland. Whether it is perfectly proper to bring gentlemen from Ireland, to give evidence before the House of Commons, on a subject that is to benefit Ireland, and not England, I will not take up much time to inquire.

The Irish are beyond all question greatly interested in the conclusion of this bargain, and exclusively so as to hopes of benefit; their evidence, therefore, as parties influenced and prejudiced, may perhaps be deemed improper when brought forward to support the system, and to persuade this House. I know it may be said, that Messrs. Richardson, Walker, Peel, and others, who have given evidence on the other side, are also interested in the termination of this compact. I admit the fact; but on which side does their interest lie? and to which ought we in this House to incline? They are interested for England, of which we are the delegated guardians—Mr. Brooke is interested for Ireland, who is on the other side negociating for himself. Taking it, therefore, in that point of view, I cannot hesitate a moment as to the path which it becomes me, as a British member of parliament, to pursue in the credit which I am to bestow on the evidence adduced. But in this point of the cheapness of rude labour, hear what the intelligent Mr. Peel says:—"The finer parts of work cannot be carried on without the ruder. It is on the rude work that the hand is qualified in its art, and every man who is employed in the finer branch, was first employed in the coarser." The cheapness of rude labour is, therefore, an advantage which in manufactures of the finer kind must be highly favourable; but in those which are in their quality coarse, must give to the country a decisive superiority. In one instance this has been proved. A manufacturer of Norwich gives it in evidence, that he can buy in Norwich, Irish worsted yarn cheaper than he can buy English, although it is subject to five or six duties before it reaches him, and subject also to the expense of the voyage and of the carriage, as well as of the internal duties in Ireland; so that upon a fair and just calculation, it is demonstrable, that they can manufacture worsted yarn in Ireland 45 or 50 per cent. cheaper than in England. But, say the witnesses from Ireland, it is by no means likely that Ireland will ever establish a cotton manufactory to rival that of Manchester: it would not be her interest

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to do so, and there are many stubborn inconveniencies which she has to surmount. I will admit the supposition for the sake of argument, though I by no means think it founded in probability. But admitting even that she shall not think of establishing a cotton manufactory, she may still by these new resolutions effectually cut off the Irish market from ours; for having a manufacture of her own to substitute in the room of this, she may lay a duty on cottons, which by the principle of countervailing duties might amount to a prohibition of ours, and, by a side blow, annihilate the Manchester manufacture in the Irish market at once.

And this leads me to an argument which has been much insisted on in favour of these resolutions: that by the means of the new system, the right hon. gentleman would have the merit of putting an end to all idea of protecting duties. On what rational ground does he claim to himself this merit? By the power which is thus left to each country, to lay internal duties on such manufactures as they may covet to crush for the sake of advancing a substitute, he gives rise to a countervailing duty that will act as a complete, though indirect, prohibition; and that this is in favour of Ireland and inimical to England, is evident from this circumstance, that by the fatal ninth resolution we have for ever given up the only remaining hold which could have operated as a protection against so obvious and alarming an inconvenience. Protecting duties, however threatened, would never have been imposed under the old intercourse; for the good sense of Ireland would not have suffered the danger of retaliation on their staple commodity; that danger they will now no longer be exposed to. But the right hon. gentleman says, that we shall by this means bind the two nations together in indissoluble bands; that between nation and nation the intercourse should be regulated by principles of equality and justice; and that this ought to be more particularly studied between nations that are sisters, as it were, and are so connected in interest and in blood as Great Britain and Ireland. To such principles as these, if acted upon with wisdom or the chance of mutual harmony, far be it from me to object. My objection is, that the intercourse is not to be regulated by principles of equality and justice. Let us suppose a fair and equal admission of manufactures into each country free of all duties—which of the kingdoms would shudder most at such a freedom? The Irish undoubtedly. We are to give them an intercourse infinitely more beneficial than throwing open our ports entirely; and in doing this, we have given to Ireland the power of offending us, without reserving the means even of retaliation, much less of prevention.

By the seventh resolution we bind ourselves, in no future time to prohibit the export of raw materials to Ireland. This is a measure which may be found highly prejudicial to our manufactures. In the course of this session we have passed an Act to prevent the export of rabbit-skins, for the benefit of our hat-manufactory. May not other occasions arise, in which it would highly affect us to suffer raw materials to go out of our hands into those of foreign states, under the name of Ireland? for such is the danger that I apprehend. A cargo of raw materials may be entered at our custom-house for Ireland; but what security shall we have, either for their being carried thither, or for their stay in the country if they reach it? Never let us be so weak as to trust to generosity, when interest is at stake.

The ninth resolution, Sir, is that which I reprobate the most, and in that no alteration is made. By that resolution we for ever surrender the only power which we had of enforcing the due performance of all the parts of the bargain, obligatory on Ireland. By giving up all legislative control over the admission of her staple into Britain, we for ever throw ourselves on the mercy of Ireland, and have no means of protecting ourselves against her future caprices. It is by such means that the right hon. gentleman hopes to produce a lasting amity between the two kingdoms. He provides ill for peace, who deprives himself of the weapons of war. True policy suggests, that with a disposition to be amicable ourselves, we should be prepared against the effects of a contrary disposition in others.

In regard to the compensation, I hardly know in what view of it to express my particular reprobation. The exaction of a permanent provision from Ireland is what I consider as a measure pregnant with the most alarming consequence to the liberties and to the constitution of both countries. As an Irishman, I would never consent to grant it; and as an Englishman, I cannot accept it. What Ireland cannot concede with safety, England cannot receive with grace. It has always

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been the leading and characteristic privilege of our legislature—and when I speak of ours in this instance, I may include the legislature of Ireland also—to limit all grants of supplies to the period of one year. Thus the supplies for the army are voted annually, for the navy annually, for the ordnance annually, and so also in every description of public expenditure that may any way tend to produce an undue control over the subject: to make them perpetual, even though the application of them is to be left to the disposal of parliament, is a measure to which I cannot give my consent: it establishes a precedent for diminishing the sole security which the domestic branch of the constitution possesses against the encroachments of the executive. Annual supplies are the vital source of the influence and authority which the representative body have, and ought to have, in the respective legislatures of the two countries; and I can accede to no regulation that has the operation of impairing so invaluable a privilege in the smallest degree. I object to this compensation on another account; and that is, that I do not think it worth our acceptance; for even if the surplus of the hereditary revenue should amount to a sum, which might be valuable when applied to the maintenance of our navy, what security have we that the Irish nation may not withdraw the sum which they now appropriate to the army? They now maintain a very considerable part of our army. I wish to know if it will not be in their power to withhold that sum whenever they shall deem it expedient, after the establishment of this new system: therefore what we gain in the one way, we may lose in the other. We may lose from our army what we are to gain in our navy; with this material difference still existing between the two cases, that the supply which is now granted on the part of Ireland for the support of our army, is granted in a manner truly and perfectly congenial with the practice and spirit of our own constitution; whereas the proposed expedient of the service of our navy, originates in a violation of both, and cannot operate but to the obvious disadvantage of the popular department of the Irish government. The right hon. gentleman says, the surplus of the hereditary revenue would be appropriated to the purchase of provisions for the navy, and that thus it would be beneficial to Ireland. To this I have no objection: I think it would be reasonable and advantageous. But to the permanency of the grant, I must enter my most cordial and determined protest. The right hon. gentleman says, that here he would not trust to the generosity of Ireland for a compensation, which he considers as founded in justice. He will implicitly trust to her generosity and kindness for the due and vigorous execution of the trade laws, but he will not trust to her generosity for the return which she shall make for his present benevolence towards her. In this I completely differ with the right hon. gentleman. I would trust to Ireland in the case where he would not, and I would not trust where he is inclined to do so. If there is any nation upon earth, in whom, on a point of honourable compensation, I would have implicit confidence, it is Ireland: but in the due performance of commercial regulations, where the laws stand for ever in the way of interest and adventure, I would not trust to any people existing. In the case of the compensation, the voice of all Ireland would be heard in her parliament. In the instance of sinister trade, it would be confined to the intrigues between smugglers and custom-house officers; and neither the generosity nor the manliness of the more enlightened and polished part of the nation would be at all concerned in the discussion. The right hon. gentleman has insinuated, that there is an immediate necessity for adopting the system which he has proposed; that is as much as to say in plain English, he has held out the resolutions to Ireland, and the necessity for adopting them has arisen from his having done so. This is a mode of argument which merits a great share of countenance, whatever truth there may be in the fact. Ireland is not however, I trust, so irrational as to insist upon the rash and intemperate transfer of privileges, demonstrably ruinous to England. "But," says the right hon. gentleman, "this system will finally determine every question between the two nations, and nothing can arise in future to make a contest between them." I call upon the right honourable gentleman to say, what security he can give us for the certain accomplishment of his presage. Does he speak from experience? Evidently not. Experience of the first, which I conceive to be the best criterion by which to determine the probability of the future, is against him. When the noble lord in the blue ribbon, in the year 1780, opened to the Irish the

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trade of our colonies, the parliament of that country declared themselves fully gratified, and thanked his Majesty in terms of the utmost gratitude and apparent satisfaction. In a few months, however, their voice was heard again. In the administration of which I made a part, their legislature was declared to be independent; and in addresses from both Houses of Parliament, they professed themselves so entirely content, as not to consider it possible that any subsequent question of political division could arise between the two kingdoms. Yet in the very next session they gave indications of new disssatisfaction, and farther concessions were made. How are men to argue from these facts? One would imagine, that the most effectual and satisfactory method of quieting the apprehensions, or relieving the exigencies of a distressed country, would be that of appealing to their own testimony for a knowledge of their circumstances; to collect information from themselves; to desire them to state, in their own persons, the measure of their calamities, and the best expedients for the relief of them. This was precisely the way pursued heretofore. The concessions were granted on the declarations of the best informed men in the land—men the best qualified to know the state, the wants, and the expectations of the kingdom. Mr. Hussey Burgh and Mr. Grattan, names which no man could mention but with the sincerest and most cordial respect, were the authorities on which England proceeded, and on which she relied. But this, it seems, however specious and natural, was not the proper method of ascertaining the wants or wishes of another kingdom. The true and only means of finally concluding all disputes with Ireland, is to send a stranger there, and order him to address himself to their senate in such language as this: "Hear me, ye men of ignorance and credulity! You know nothing of what you want, what you wish, or what would be good for you—trust yourselves to me—I am perfect master of all your infirmities—here is the specific that will cure you, the infallible nostrum for all ailments." It seems that this is the only conciliatory expedient for administering to the relief of a disordered state—not to suffer the inhabitants to speak, but to send a man amongst them ignorant at once of their exigencies, their grievances, and their policy, to propose wild schemes of extravagant speculation, and prescribe for the disorder, without the painful tediousness of trying to understand it. In compliance with this new idea, Mr. Orde, an English gentleman, the secretary to an English nobleman, the Lord Lieutenant for the time, rises up and proposes a set of resolutions which he pledges himself to carry into complete execution. These resolutions are brought to England, and after two months discussion are completely and fundamentally altered. Upon these resolutions the right hon. gentleman thinks himself warranted to say that the system will be final. The right hon. gentleman said, he must have a fund of credulity who believed all the evidence which the manufacturers had given at the bar. In like manner, I say, that he must have a fund of credulity indeed, who can believe on such premises that the Irish will be content with this system, or that the general interests of both countries can be promoted by its establishment.

"It is possible," says the right hon. gentleman, "that one country may lose what another may gain." I am ready to agree with the right hon. gentleman, that in similar manufactures, or even in the same manufacture, one country might open channels of commerce unknown to another, the one acquire riches without the other suffering diminution; but it so happens, that between England and Ireland, under these resolutions, this cannot be the case. Their channels of consumption are precisely the same, and a mutual participation in all markets is the leading principle of the agreement. Ireland, therefore, cannot make a single acquisition but to the proportionate loss of England. I defy the right hon. gentleman to mention any one article—and he has not mentioned one—in which Ireland may gain without England suffering a loss. This, Sir, constitutes the distinct and prominent evidence of the impolicy of the system. It is this which will stir up jealousy between the two countries, and make Englishmen and Irishmen look at one another with cold hearts and suspicious eyes. If any one thing demands more than another the cautious deliberation of the committee, it is that of guarding against insidious competition; to take care that the new system shall not make the countries rivals instead of friends.

Another objection requires a more satisfactory answer than it has yet obtained. We have gone great lengths for the suppression of smuggling, and have loaded our constituents with a commutation-tax

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of a most heavy and unequal kind, merely to crush the contraband trade on our coasts. Upon the very heel of a most oppressive and unequitable expedient for the prevention of smuggling, we are preparing to adopt a new system, that will give to every species of this indirect and contraband commerce ten times the vigour and the generality that it ever possessed in the country. This is the right hon. gentleman's consistency. In one year he loads the subjects with the most intolerable imposition to which they were ever exposed; and the single motive, as well as the only possible excuse for it is this—the prevention of smuggling. The next year, he introduces a new measure, the obvious and undeniable tendency of which is, to encourage all illicit trade to an extent hitherto unknown in any period of our history; for by means of this new intercourse, no laws, no watchfulness, no penalties will have power enough to prevent the revival of every sort of contraband trade. I shall mention only a single article or two, to shew the facility which these new resolutions will give to the exercise of smuggling. At present, so anxious are we to guard against the illicit importation of French gloves, that we have had recourse to a prevention of unexampled severity. Besides the penalty, which is uncommonly high, the person in whose custody suspected gloves are found, is obliged to prove that they were made in this country. The *onus probandi* lies upon the person accused, an instance of severity unknown to the general penal provision of our statutes. When this communication with Ireland is opened, what will be the consequence? The person has only to say that they are Irish. It will be in vain that you call upon him to prove that they are manufactured there—and thus you will have articles of every kind poured in upon you. Silk stockings is another article of the same kind. Distinctions will be impracticable; and every species of light goods, of small package, and easy transfer, will flow in upon us, to the ruin of our manufactures.

I shall conclude, Sir, with supplicating the committee to take time to deliberate, and to inquire fully before they decide on this measure, which must make an entire revolution in the whole system of British commerce. We have seen the benefits of delay. Let us be wise from experience. It is impossible that Ireland can object to our desiring a sober deliberation on a subject so infinitely important. It is said, that Ireland is out of temper, and that she has been irritated almost beyond her bearing. Ministers are answerable for this irritation, if such irritation exists. The violences which they committed in Ireland, deserve the most marked and general reprobation. Their attacks on the liberty of the press; their endeavours to prevent the legal and quiet meetings of counties to deliberate on the best peaceable means of amending their deficient representation; their proceeding against men by summary attachment; all were violences which, perhaps, may have inflamed Ireland;—and now ministers are desirous of avoiding the consequences of imprudent insult by imprudent concession. But let us be cautious how we assist them in a design which may eventually turn out as insidious to that country as it would be ruinous to this; a design which may, perhaps, involve in it another commutation, and that a more pernicious one, even than that well-known and universally execrated measure which now bears that name—a commutation of English commerce for Irish slavery.

Let us remember, that all the manufacturing communities of Great Britain are avowedly against the system. So general a union never took place as on this occasion. So large a number of petitions never were presented from the manufacturers on any former occasion; and, what is still more remarkable, there is but one solitary instance of any manufacturing body having expressed a syllable in its favour. The voice of the whole country is, therefore, against the resolutions. It is within the memory of all men, that sometime ago also the right hon. gentleman was an advocate for the voice of the people—"What," said he, when a number of petitions were presented against the India Bill which I had the honour to move, "will you persist in this Bill against the voice of the people? Will you not hearken to the petitions upon your table?" It was ever my opinion, Sir, that petitions should be heard, and most seriously attended to; but it was not my opinion, that they should always be implicitly complied with. A distinction should be made between petitions, as temporary circumstances, or the casualties under which they are presented, shall suggest; and I should certainly be at all times more inclined to pay respect to them, when they applied to subjects of which the petitioners could, from their habits or otherwise, be considered as competent

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Judges—much more so, beyond all question, than when they spoke merely from vague representations, and on topics with which they had no means of being conversant. The right hon. gentleman is of a contrary opinion. It is only when they come against the India Bill that he thinks them worthy of notice. When hundreds of thousands come to our bar, deprecating the countenance of a system, which, from their own knowledge, they pronounce to be ruinous to the manufactures of England, he treats them with something that merits a severer term than disdain. Mr. Wedgwood, Mr. Richardson, Mr. Walker, and the other great manufacturers, and who from opulence and every other consideration are worthy to be ranked with the best men in this House, have received from the right hon. gentleman every species of ill-treatment and indignity that the lower or most degraded characters could receive, or the most contemptuous and violent could bestow. Their intelligence in their respective manufactures ought to give weight to their petitions as well as to their evidence, and to ensure them, not only a decent hearing, but a most attentive regard. The right hon. gentleman, however, considers the voice of the people only as sacred and commanding where it is exerted against things upon which the petitioners are not competent to decide. For instance; if when these gentlemen (who, I dare say, during the rage of opposition to the India Bill, also signed petitions against it) were at the bar, they had been asked if they objected to that Bill, and they had answered in the affirmative, would their testimony in the one case have been deserving of the same notice as on the interests of their particular manufactures? Surely not. In the one case they spoke from what they heard, or from what they conjectured; in the other, from what they knew. Can the committee think that they know more of the Manchester manufacture, than Mr. Richardson and Mr. Walker?—of the iron manufacture, than the gentlemen that we have heard this day?—and of every other manufacture, than the persons who have spent their lives in the study, and embarked their fortunes in the progress? If we do know better, let us in the name of Heaven discharge our consciences, and speak as we think, against those manufacturers; but at any rate let us deliberate, let us take time to think before we act. Our decision will not be less efficacious for being the result of inquiry; nor is it possible that any evil can arise from a delay which affords some interval for decent discussion.

Before I sit down, Mr. Gilbert, it may not be amiss to suggest to gentlemen, that the present is a subject from which, above all others, private partialities or personal attachments ought to be totally excluded. This is not a question of personal struggle between man and man, a contest for power, nor the mere war of individual ambition. It is a question of life and death for the country—not for the official existence of this or that minister, but for the political existence of Great Britain itself. In the consideration of such a question, therefore, let gentlemen strip themselves at once of prejudices and predilections—let them guard their minds equally against an undue bias of every denomination, whether of political sympathy with the minister, or of attachment to opposition—whether of individual respect for gentlemen on that side of the House, or on this—let them recollect that the minister has, by his conduct this day demonstrated to the House, that implicit confidence in him is as dangerous as it is absurd; that infallibility is no more the prerogative of the right hon. gentleman, than of the rest of the world. He has introduced sixteen new propositions, the general object of which is to correct and to qualify his original system, and the particular aim of some of which is to change the very essence or vital nature of his previous plan. Let us suppose, then, that this principle of implicit confidence had prevailed in the minds of gentlemen, when this system was originally proposed to the House; if they had acceded to the propositions, in the shape and formation in which they were at first presented—and that it was for a long time the minister's intention to obtrude them upon this House with all their original infirmities upon their head, is well known to us and to the world—what would have followed? Why, evidently this—that this confidence so reposed, would have led gentlemen to do that, which in the opinion of the minister himself would have been wrong. Let this example, therefore, of the demonstrated and acknowledged peril which results from blind predilection and the total resignation of personal judgment, warn gentlemen how they fall into the same error a second time. The minister himself tells them this day, that they would have been in the grossest and most pernicious error in which the legislators of a

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great country were ever involved, if they had trusted entirely to him on a former occasion. I will take upon me to tell them that their error will not be less gross, nor less pernicious, if they trust him too implicitly on this.

I shall only add, Sir, that he who can understand so complicated and so extensive a subject upon so slight and transient a view of it, possesses an intellect not common to the general body of mankind, and which certainly cannot be the general characteristic of this House. For one, I can truly say, he must possess an understanding of infinitely more quickness and acumen than any to which I pretend. He that votes for the propositions without understanding them, is guilty of such a desertion of his duty and his patriotism as no subsequent penitence can possibly atone for. He sacrifices the commerce of Great Britain at the shrine of private partiality, and sells his country for the whistling of a name. The minister who exacts, and the member who submits to so disgraceful an obedience, are equally criminal. The man who, holding the first seat in his Majesty's council, can stoop to so disgraceful and fallacious a canvas, as to rest his ministerial existence on the decision of a great national question like this, must be wholly lost to all sense of dignity, of character, or manly patriotism; and he who acquiesces in it from any other inducement but that of cautious and sincere conviction, surrenders every claim to the rank and estimation of an honest and independent member of parliament, and sinks into the meanness and degradation of a mere ministerial instrument, unworthy the situation of a senator, and disgraceful to the name of an Englishman.

Mr. *Jenkinson* said, that in the amendments made in the propositions, the right hon. gentleman arrogated to himself a merit that by no means belonged to him. The alterations made were in consequence of a fuller deliberation, and the circumstances which arose in the course of the various examinations. He had also taken an opportunity of alluding personally to him; but in no instance could he charge him with any thing more than a steady attachment to the party with whom he had the honour to act. Much had been said, as to the number of petitions which appeared against the present measure; but to shew how little gentlemen were entitled to pride themselves on that circumstance, he had taken the pains to make out a list of the number of petitions presented against the propositions which passed in favour of Ireland during the administration of the noble lord in the blue ribbon. On that occasion 56 petitions were presented; and on the present, of which so much had been said, the number was no more than 64. He concluded with expressing himself strongly in favour of coming to a decision without further delay.

Mr. *Dempster* expressed the satisfaction he felt in the alterations this night proposed in the resolutions; at the same time remarking, that there were also other objects of much concern to both countries which ought to be included in the present arrangement: one related to the fisheries on the coast, in which much disturbance continually prevailed, by the Irish sailors spoiling the nets and otherwise ill-treating the English fishermen, and the latter retorting in their turn. He then read a resolution, which he intended to propose to the House on this subject. Another subject, which he thought should also be attended to on this occasion was, an extraordinary duty imposed in Ireland on British lawns and linen gauzes. This he stated to have taken place, at a time when Ireland was actuated by vindictive motives against Scotland, where this manufacture was in a flourishing state.

Lord *North*, after remarking the time of the morning in which the House was engaging itself in so important a discussion, moved, "That the chairman report progress, and ask leave to sit again."

The cry becoming very loud for the question on the ministerial side of the House,

Mr. *Fox* assured those gentlemen who seemed so exceedingly desirous of coming to an issue, that if after all that had been said, they persevered in opposing an adjournment, they must make up their minds to wait many hours longer, though it was then five o'clock, for they were dividing on a question of the utmost importance to this country, the consequence of which, if once adopted, would be extremely prejudicial. Then addressing himself to the chairman, he told him that he must insist on his preserving order in the committee; the question was big with ruin to the subjects of this empire, and should be most seriously attended to.

Mr. *Dundas* said, that the appearance of the morning was pleasing in the highest degree, and the House were yet in good spirits; there was then nothing to prevent

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the right hon. gentleman from entertaining them with a speech of two or three hours if he thought proper; it was a circumstance to which he was accustomed, and the House certainly always felt the greatest pleasure in hearing him. He treated the whole of the opposition as only intended for delay, and said, he knew of no way of considering the resolutions but by printing them first.

Mr. *Brickdale* said, it was shameful to call on the committee for a decisive vote on the important subject in the very moment when so many alterations were made, and which were so little understood.

The Earl of *Surrey* said, he had greatly disliked the propositions as opened originally to the House, but that he approved so much of some of the sixteen resolutions that had been read by the right hon. gentleman, that if he had time allowed him to examine them, he verily believed he should be induced to vote for part of the propositions, though certainly not for the whole. His lordship said, the Chancellor of the Exchequer dealt out one measure for himself, and another for the House. He had brought in the ten propositions, and suffered upwards of two months to be employed in hearing counsel, examining witnesses, and receiving petitions. The consequence was, the House had received a large body of useful information; and yet, with such strong conviction of the advantage derived from avoiding rashness and precipitancy, the right hon. gentleman had that day come down and read his sixteen resolutions to the House, all of which, he surely would allow, were extremely important, and yet he wanted the House to vote a leading question on the instant, without examination, and without inquiry, as to what consequences the question might go to. His lordship remonstrated on the inconsistency and unfairness of this sort of conduct in a matter where deliberation was so particularly necessary. He took notice that, in the course of the debate, some person had remarked that there was no petition from the county of York. In answer to that observation, it became necessary that he should state to the committee, that a very large meeting of the cloth manufacturers of the county of York had been held; that a petition against the propositions had been signed thereat by a large number of manufacturers of cloth; and that letters had been sent up to the two representatives of the county, desiring them to present the petition to the House: the two members had written letters back, declining to present the petition; and, among other reasons for declining to present it, had declared that they should vote for the propositions in consequence of their confidence in the minister. He had since, his lordship said, been applied to, to present the petition, but had not yet received it.

Mr. *Wilberforce* rose to satisfy the House as to his conduct in respect to the fact stated by the noble lord; and began by observing, that he had too much gratitude to his constituents to stand in need of the noble lord's interference to stimulate him to do his duty. He was proceeding to state, in glowing terms, his sense of his obligations to his constituents; but overcome with sensibility, the fatigue of having sat in the House so many hours, and with the pressure of infirmity, he sunk upon his seat.

Mr. *Powys* said, his constitution would not permit him to continue in the House any longer. He approved of the resolutions that had been read by the right hon. gentleman, and believed he should vote for them, if he were allowed time to examine them and understand them. To vote for what he did not understand, was a line of conduct to which he could not accede. He stated some of the particulars of the resolutions that he did not correctly comprehend. He asked, if there were not many gentlemen in the same situation with himself? And if there were, they would not act conscientiously if they did not vote with him. On the contrary, they would be traitors to their country, and lost to every principle of honour and honesty, if they gave a vote upon a question of such infinite importance, acknowledging at the same time that they did not understand it.

Mr. *Pitt* rose with considerable warmth, and said, whether the noble lord chose to charge him with dealing out one measure for himself, and another for the House, or the hon. gentleman thought proper to rise with an affected parade both of phrase and manner, to boast of his conscience, his honour, or his honesty; there were, he trusted, many hon. gentlemen in the House, every way as respectable for their characters, their property, and their integrity, as the hon. gentleman, who could conscientiously lay their hands upon their hearts and vote with him upon the question. Mr. Pitt added some other terms

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in reprobation of what he termed the insulting tones and manner of the hon. gentleman, which he neither merited, nor was he disposed tamely to submit to. Mr. Pitt declared his intention was to take the sense of the committee upon one question only, and that intention he trusted the committee would have the goodness to enable him to fulfil.

Mr. *Powys* declared, he did not mean to encroach on what he presumed the right hon. gentleman considered as his special prerogative, the right of using insulting language to the members of that House; neither did he wish to break in upon what the right hon. gentleman might possibly esteem his peculiar privilege, the custom of throwing sarcasm on every hon. gentleman who ventured to differ in opinion from the right hon. gentleman, with every other personal affront that could suggest itself to a mind prone to irritation, and easily inflamed. When he rose before, he had no idea of saying any thing that could give the smallest offence, much less that could provoke so unseemly a reply from the minister. He repeated that, in his opinion, those gentlemen who did not understand the resolutions any more than he did, and yet were ready to vote for the question, could not answer it to their consciences.

Mr. *Fox* supported Mr. Powys, and condemned the Chancellor of the Exchequer, declaring such language as he had held very improper for a minister to hold to any gentleman who thought proper to differ with him in opinion.

Mr. *Wilberforce* read to the House the letter which he had received from his constituents at York, relative to the petition that had been alluded to by lord Surrey. He said, that he and his colleague had only received it on their coming down to the House.

The Earl of *Surrey* said, he had read the letter over since he was upon his legs before, and thought it due to the hon. gentleman to state, that he found he had been mistaken in a part of his former assertion.

The *Attorney General* expressed his surprise at the noble lord and his friends complaining so vehemently of the precipitancy in pushing the measure to a decision, which had been three months before the House, and many weeks under deliberation; when it must be in the recollection of the noble lord, that above 15 months ago he and his friends had pushed through the House at a very late hour, upon the sudden, and without notice, three propositions of an extensive and most serious nature, and such as at the time were likely to have thrown the country into confusion.

Mr. *Eden* said, that his learned friend pursued a strange line of argument in defending the violence of the present measure, by stating, that on some former occasion others had adopted a conduct equally reprehensible. In answer to that, he would only remark, that he never yet had seen in parliament any instance of such precipitancy, which did not ultimately recoil on those who were concerned in it. He would remind the learned gentleman of a case in point:—A majority of the House, which probably did not vary much in any respect from the expected majority in the present debate, had thought proper, in the triumph of party, and in the delirium of political zeal, to force a vote respecting the Westminster scrutiny, at the same ill-fated hour of six in the morning; which vote was considered at the time as a glorious victory; but which now, in the opinion even of those who were concerned in it, and certainly in the sentiments of the public, was treated as a measure never to be mentioned but in terms of shame or of indignation. As to the struggle of the present debate, in which such intemperate efforts were making to force the House blindfold into the adoption of an unknown and most complicated measure, professedly involving the nearest and dearest interests of two kingdoms, he was sorry to say that it was an unworthy attempt. It might serve, indeed, to shew a numerous host of friends ready to resist the reasonable proposition of adjournment: but the questions were infinitely of too much magnitude to be rested on the strength of numbers; and the menace of persevering at all events to go through the propositions, or in other words, to make it a contest of bodily strength and constitutions, rather than fair argument and manly discussion, ought not to make any impression. For his own part, he had much to say on the altered propositions, so far as he was able to comprehend the alterations. From the cursory statement of those alterations, they were very comprehensive and important, and went pointedly to remove some principal objections which had been stated by himself and others originally. But the alterations were so various and

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so connected and interwoven with the whole of this new system of national commerce, that it would be presumptuous to pretend on the sudden to form any competent judgment respecting them.

Mr. *Sheridan* charged the Chancellor of the Exchequer with extreme obstinacy, and indecent pertinaciousness.

The question of adjournment was now put, and the House divided: Ayes, 155; Noes, 281. After the division against the adjournment, Mr. Pelham first proposed to divide the general resolution into two, which was consented to. Mr. Pelham then moved to amend the second, by inserting after the words "commercial advantages," "As far as may be consistent with the essential interest of the manufacturers, revenue, commerce, and navigation of Great Britain." This amendment was seconded by lord Surrey, and was on a division rejected: Ayes 125, Noes 249.

After Mr. Pelham's amendment was negatived, Mr. Sheridan rose to propose one, which, he said, he should not trouble the committee to divide upon, as he meant to renew it upon the report; nor would he violate the system of the day, by endeavouring to make the House understand the purport of his opposition before the question was put upon it. He accordingly moved to leave out part of the paragraph from the words "whenever a provision," &c. to insert "Great Britain, confiding in the experienced good faith, generosity and honour of Ireland, that in proportion to her growing generosity, she will contribute to the necessary expenses of protecting the general interests of the empire." This amendment, which was grounded on some words of the Address moved in 1782 by Mr. Grattan, in Ireland, was negatived without a division. The Resolution was then agreed to.

At six o'clock in the morning the House adjourned.

May 19. The order of the day, for going again into a committee on the Irish Propositions being read, the Speaker left the chair of the House, and Mr. M. A. Taylor took the chair of the committee.

Mr. Chancellor *Pitt* then rose, and without making any preparatory speech, moved the following resolution, being the third of the propositions which he had opened to the committee on the former day: viz.

"That towards carrying into full effect so desirable a settlement, it is fit and proper that all articles not the growth or manufacture of Great Britain or Ireland, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties (if subject to duties), to which they are liable when imported directly from the place of their growth, product, or manufacture; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters, not imported from the British colonies in the West Indies or America, should be fully drawn back on exportation to the other."

As soon as the chairman had read the resolution,

Lord *North* rose. He observed, that though he had taken the liberty on Thursday last, or rather on Friday morning, to address the committee on the subject of the Irish propositions, yet his arguments went rather to prove the propriety of delay, than the impolicy of the system: the alterations that had been introduced on that day had so completely changed the nature of the original propositions, that he thought time ought to have been allowed to parliament and to the nation, to consider them very maturely, before the right hon. gentleman should press for a final decision upon them; however, as the Chancellor of the Exchequer was determined not to wait till the country could be apprized of the alterations, he conceived it to be his duty to state to the committee the objections that struck him on this very important business. His right hon. friend (Mr. Fox) had entered so largely into it on Thursday, and handled it with so much ability, that he should not on this day be under the necessity of taking up much of the time of the committee in making the remarks that occurred to him on this occasion: he knew it was not regular for a member to speak to any resolution that was not immediately before the House; but as he wished not to trouble the committee more than once this day, he hoped he should be permitted to speak against the different parts of the system, though a particular part only was at that moment under consideration. The propositions which formed the basis of the system, that was finally to adjust the intercourse between Great Britain and Ireland, were generally, but erroneously, called the Irish Propositions; every man acquainted with the history of the business, knew that they

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did not originate with Ireland; that Ireland never called for them; but that they were offered to that country by a gentleman (Mr. Orde) who, though he was at that time a member of the Irish parliament, moved the resolutions under the weight and authority of the English ministry. This new system of intercourse was, therefore, the free-will offering of England rather than the demand of Ireland, and consequently it could not be said, that in opening to the Irish the British market, the minister could with any decency urge the plea of necessity; for he was giving what had never been asked, what had never been thought of but by himself. Indeed, no man could suppose that Ireland would ask for it; she could not ask for it *ex debito justitiæ;* if she could, he would readily admit the claim; he would do her justice, let the consequence be what it might—*fiat justitia, ruat cælum.* But justice was out of the question: this country had done many things liberally and generously towards Ireland; she had admitted her to trade to the British colonies; and what was an act of generosity in the parliament of England, ought not to be made the ground of a claim of right on the part of Ireland to a share in the British markets, which ought to belong exclusively to the British manufacturer. No man could be farther than he was from wishing to deprive Ireland of any commercial advantage; on the contrary, he would most gladly admit her to a participation of every advantage in trade, provided she was so connected with us as to form one people with us under one government, one legislature. Were the two countries perfectly united under one parliament, he should, as in duty bound, consider their interests as one and the same, undivided and inseparable; but until the happy day should come, that should make the two kingdoms one, he did not conceive it to be either just or equitable that the one should be enriched at the expense of the other: and yet this must necessarily be the case, if the British market was ever thrown open to the Irish; for then Ireland would impoverish the English manufacturers, by whom the immense taxes of this country were paid, whilst she would not contribute from her wealth to the public burthen. The right hon. gentleman (Mr. Pitt) who never missed an opportunity of attacking him, had vindicated his conduct by saying, that the noble lord in the blue ribbon had already given away so much to the Irish, that very little remained to be given to them. It was remarkable that he thus wished to exaggerate what had been done in 1780, when the free trade was given: but the right hon. gentleman, soon forgetting this, had asserted on a former occasion, and this he would have understood as the ground of his justification, that the noble lord in the blue ribbon had done so little for Ireland, that without what was proposed now in her favour, she would reap no advantage from the pretended free trade that had been voted to her. Here were two very strong contradictions; for the concessions of 1780 were, as occasion required, represented as giving every thing and nothing: truth, perhaps, was not to be found in either of these propositions; it probably lay between both. Much was given in 1780, and much was proposed to be given in 1785. To prove the former, he had only to point out to the committee the state of the importation of sugars into Ireland, by a direct trade from the West Indies, for the four last years; in 1781, the year after the trade was opened, the importation of sugars was no more than 7,000 hundred weight; in 1782, eighteen thousand; in 1783, thirty-three thousand; and in 1784, it fell to 27,000. Every man must surely admit, that this direct trade, which had not been enjoyed before, must have produced very considerable advantage to Ireland; and therefore it was not true, that so little had been granted in 1780, that without what was now called for, it could be of no service. He had very strong objections to any extension of the colony trade beyond what was marked out in 1780, and for very substantial reasons. He was of opinion, that it was on the most politic and rational grounds that the monopoly of the British market had been secured to the British West India planters; they contributed in a very great degree to the revenue of this country, and in a great measure enabled it to bear the heavy burthens with which it was loaded: it was politic, therefore, it was just, that they should have no competitors in this market. He knew very well, that there were persons who were hostile to this monopoly, who were hostile, indeed, to every monopoly; and who thought that rivalship and competition ought to be encouraged in every state for the benefit of the people. Among the enemies to monopoly in general, he would class a very respectable man, and

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a very able writer, who had long laboured for the public good; he meant the dean of Gloucester: but still, notwithstanding this great authority, he would not consent that the monopoly of our market, enjoyed by the West India planters, should be destroyed; and so strongly had he always been attached to this monopoly, that he would not suffer prize sugar, taken during the war, to be brought into the market: and consequently he could not be a friend to the measure now under consideration; for though many modifications, suggested by the commissioners of the customs, had been adopted by the right hon. gentleman, who had so far rendered his propositions less objectionable, still he had reason to apprehend that Ireland, by being permitted to supply the British market, by circuitous trade, with sugar, might send into this country great quantities of foreign sugars; and his apprehensions were far from being without foundation; for, in the first place, the Irish, should they be inclined to carry on an illicit trade with the French colonies, (and merchants generally pursued their own interests in preference to those of the state,) might supply themselves with French sugars at 16*s.* a cwt., when the same quantity would cost 25*s.* in the British islands. Here, then, was a great temptation to the Irish to trade with the former rather than the latter, though contrary to law. The right hon. gentleman had, indeed, guarded against this, as far as he was able, by providing checks that should prevent the importation of French sugars into England or Ireland; but the security that was to be derived from these checks to the British planters, would be delusive and imaginary.

It was proposed, that every ship touching at Ireland on her way from the West Indies should be provided with a certificate from the officers of the customs in the island, that the cargo was the product of British colonies; that each ship, on her arrival in England from Ireland, should produce this certificate; and that if she did not bring all the cargo at once, she should be at liberty to bring it at some other time, on being furnished with sufficient documents to prove that the second cargo was part of the first stated in the original certificate; so that, for instance, if having on board 20,000 cwt. of sugar upon leaving Jamaica, she should land 1,500 in Ireland, and carry the remainder to England, she would then get credit for the 1,500 so left in Ireland, which she would be permitted to bring over at any other period; and under pretence of importing British, she might import French sugar to that amount: for after having been refined, it would be absolutely impossible for the English custom-house officers to ascertain whether it had been, when in its moist state, brought from a British or French island; and therefore, to open this market to Irish ships with sugars on board, after having touched at Ireland, would be opening a door for the admission and sale of French produce, to the great prejudice of the English planters, who deserved so well of this country, and were well entitled to every indulgence and privilege that could be bestowed upon them. In a matter of so much moment, he would not trust to the diligence of Irish officers: if he could place the same reliance on all officers of revenue in Ireland, that he did in the gentleman who was at the head of the revenue in that country, than whom there was not a more honourable man in any kingdom; or that he could in the board of commissioners, who were men of ability and integrity, perhaps he would feel the objection on this head greatly diminished: but it was well known that it was only in Dublin, Cork, Limerick, and a few other great towns, that the revenue laws were strictly enforced. It appeared from the report of the Irish commissioners of revenue, then on the table, that in other parts of the kingdom the laws were ill obeyed; nay, that it was almost impossible to enforce them. Where, then, could be the security, that the checks provided in the propositions, to guard against the importation of French sugars, would be strictly observed in those parts of Ireland, where the commissioners confessed that their own revenue laws were disobeyed? He was aware the right hon. gentleman might reply, that formerly this country trusted to the Irish custom-house officers the execution of the revenue laws; for when a ship from the West Indies, touching at Ireland, landed goods there, and was then permitted to invoice her sugars to Great Britain, the officers might be corrupted, and enable the owners to evade the law. But this reply could not be deemed satisfactory; for when this could have happened, Ireland was under the control of this country; and had any abuse of that nature been discovered, the Irish commissioners, and all those who acted under them, might have been punished, as they

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were all amenable to the superintending jurisdiction of the British parliament. But this was not the case at present; Ireland was now an independent country; she had a supreme and sovereign legislature of her own, to which, and to no other, were all the different boards and departments of Irish revenue subject and responsible: therefore, the grounds on which the British parliament had trusted to Irish officers for the execution of the laws for years back, having been destroyed by the recognition of the independence of the Irish parliament, no argument could be drawn from the former trust for a continuation of it under circumstances totally different. Whilst the control of this country over Ireland existed, abuse might have been corrected; and if no other remedy could have been discovered, England could have enacted, that no Irish ships bringing sugars to this country from the West Indies should touch at Ireland, or break bulk there, and thus the grievance would have been easily remedied; for it was not in consequence of any compact that the trade from the colonies to England, by a direct navigation, was open to Irish ships, but because from the first enacting of the navigation laws they had been considered as British; and he hoped he should never see the day when they would cease to be considered as such. It was not in consequence of any compact that Irish ships laden with rum and sugars were permitted to land the former in Ireland, and then proceed with the latter to England; and therefore this country might, without the violation of any agreement, resume what had been given only through indulgence, and forbid these ships from stopping in Ireland. This, therefore, was a check at that time against abuses; but it would be lost for ever, should the present plan be adopted by parliament: for as it was to be final, so it would tie the hands of this country, and take from her the power of making any alterations in future, however necessary they might be, without the concurrence of the Irish parliament. It was, therefore, the more incumbent on the committee to pause a while, lest they should commit an error, for which they could not of themselves apply a remedy: they had had a lucky escape already; for had the propositions passed soon after they were at first proposed, England could not have renewed the East-India Company's charter for an exclusive trade to the East, without the concurrence of Ireland.

The right hon. gentleman had said on a former day, that though it should be put in the power of Ireland to supply the British market with West India commodities, still it was very improbable that she would ever do so; for though she had a free trade to the islands since 1780, she had not imported a sufficient quantity of sugar for her own consumption, much less for exportation; and she had drawn a very considerable share of it for her own use from England. But he was not to be deceived by this specious mode of reasoning. He admitted that Ireland had been supplied since 1780 with great quantities of sugar from this country; but he contended, that there was good ground for thinking that this would not have happened had Ireland been at liberty to supply Great Britain: for it had been acknowledged by the right hon. gentleman, that Ireland having once had the British market open to her, might indulge in speculations, and consequently import from the West Indies sugar enough not only for her own consumption, but also to send to England, whenever there should be a scarcity of that commodity in the latter. But to do away the force of this observation, the right hon. gentleman had also observed, that there was one thing that would operate strongly against Ireland in such a speculation, and that was the double freight: for the price of freight and insurance from the West Indies was the same to Ireland as to England; the Irish merchant, therefore, would be subjected to the expense of landing, re-shipping, and another freight and insurance to England, together with double port duties; and thence the right hon. gentleman would infer, that the Irish merchant could not, with advantage to himself, supply the British market. But surely he must have forgotten, that even at this moment Ireland drew a great part of her sugar from England; and if his principle was true, the latter could not supply her to her own advantage, for she could do it only by double freights and double insurances: therefore, the very circumstance of Ireland being supplied from England with sugar, demonstrated, that even under double freights and insurances a profitable trade could be carried on. But he would go a step farther, and ask, who would undertake to say that the price of freight and insurance would always remain as high from the islands to Ireland, as from them to England? the probability was, that it

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would be considerably reduced, and the force of the right hon. gentleman's argument would proportionably diminish.

Hitherto he had spoken of the trade of Ireland with England, in articles the growth or produce of the colonies; he would now beg leave to say something with respect to the intercourse in the exchange of manufactures. It was by these that the revenue and greatness of this kingdom were upheld; and whatever should tend in any degree to affect the one, would necessarily affect the other. The committee ought, therefore, to proceed with the utmost caution in the business, lest they should inconsiderately give a blow to the manufactures that would recoil upon the revenue. In Ireland the manufacturer was in the possession of advantages, which were unknown to those who were employed in the same line of business in this country: labour and provisions were cheaper, and this circumstance could not fail to give the Irish a superiority in our market. It had been said, indeed, that the benefits arising from the cheapness of labour and provisions in Ireland were sufficiently balanced by the superior skill and capitals of the English manufacturers. But did gentlemen recollect, that notwithstanding this superiority, manufactures had been established in Ireland, which at this moment rivalled the like branches in England? that they had thriven and advanced to maturity and perfection under the disadvantages arising from small capitals and inferior skill? What, then, would be the case, should the opulent manufacturers of England emigrate to Ireland, and carry with them their skill, their workmen, and their capitals? The committee could not forget, that it had been given in evidence, that invitations had been sent, and encouragement held out by people in Ireland, to the English manufacturers to go over and settle there; and it was in the recollection of every member, that captain Brooke, in his letter on that subject to a person in England, had assured him, that provisions and labour were much cheaper in Ireland than in England. He was aware, indeed, that it was in evidence before the committee that in some branches of manufacture the wages of the workmen were as high there as in Great Britain, and that in Dublin they were even higher; but gentlemen would give him leave to observe, that though high prices might be given to very skilful workmen, in the infancy of an establishment, yet when it should once have taken root, and the number of persons instructed in the manner of manufacturing become great, who would say that the wages would continue as high as at present? No one surely would venture to assert, that in a country where provisions and living were very cheap, the price of labour would long remain as high as it might be there even at this moment. He had good ground, therefore, for apprehending, that should the English market be thrown open to the Irish, the English manufacturers must necessarily suffer, and with them the revenue of this country—a matter of serious alarm and weighty consideration to the committee.

The inducement held out to gentlemen to adopt the present system was, that it would finally settle all the disputes between the two countries, and establish a lasting peace and harmony on the ruins of jealousy, discontent, and resentment. A very desirable object unquestionably—but he did not know that it might not be obtained at too heavy an expense, if the prosperity and essential interests of the manufacturers of this country were to be put under contribution in order to defray it. Supposing, however, that he should, for the sake of permanent harmony, consent to all the propositions, he had very strong doubts whether that so-much-wished-for harmony would be obtained. He found in the 16th resolution, an expression which he feared would be the fruitful parent of discord, instead of that peace that all good men in both countries panted for; and before he proceeded to make his observations on the expression, he begged leave to read the resolution, which was in the following words—"That it is expedient for the general benefit of the British empire, that the importation of articles from foreign states should be regulated from time to time in each kingdom, on such terms as may afford an effectual preference to the importation of similar articles of the growth, product, or manufacture of the other."

The word "effectual," in this resolution might, he said, create discord, instead of promoting peace between the two countries. In future, all treaties relative to commerce, &c. with foreign powers, must be made by England; who must consult the interests of Ireland in such treaties equally with her own. Now in forming these treaties a minister would find himself greatly hampered by this word "effec-

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tual;" for he might not know what would exactly please Ireland, and it might not be fit perhaps, from a variety of circumstances, to make the treaties known to either kingdom, until they should have been concluded: and then it might happen that Ireland would think she had cause to complain, that an effectual preference had not been secured to her in the British market, and might perhaps resolve that the compact was broken: where, then, would be the harmony? But this was not all: for should the Resolution pass in its present form, England would be found immediately to lay a duty upon flax-seed, madder, linseed, and other articles, which are now imported duty-free from foreign countries; and as a preference must, in consequence of this resolution, be given to Ireland, a duty must be laid on these commodities except when they come from Ireland; for if they should be imported duty-free from foreign countries as well as from Ireland, then there could be no preference in favour of Ireland, and consequently no adherence to the resolution: the consequence would be then, that a duty must be laid upon them when imported from foreign states, to the oppression of the English manufacturer, and solely for aiding the Irish. Now, as this would be very unreasonable, he would in the first place endeavour to have the resolution rejected *in toto*; if he should not succeed in that, he would, when it should be immediately before the committee, move an amendment to this effect, "That a preference should be given to Irish articles, on those which at present are imported duty-free into this country."

Another inducement had been held out by the minister to gentlemen to pass the present resolutions, and that was, that they would put an end to the war of bounties between the two countries. But he was far from being sure that this would be the effect: and the more so, because this country was now about to part with the only means she had in her power to prevent such a war. He was satisfied in his own mind, that Ireland would be much more injured by a war of bounties than Great Britain could be: but he was ready to admit, that both countries would suffer very essentially by it; it would therefore be prudent in the British legislature to keep in its hands the means by which it could prevent so destructive a war. He was going to speak upon a delicate subject; but on such occasions it became him to do his duty, and to state what he thought would be for the benefit of his country. Soon after the Revolution, a compact was made between England and Ireland, in consequence of which, the latter consented not to interfere with the former in the woollen manufacture; in return for which, England agreed to give every encouragement to Irish linens, and had admitted them from that day to this duty-free. Great advantage had accrued to Ireland from this encouragement; for 21,000,000 of yards were imported into this country under that agreement; these might be valued at 1,500,000*l.*; an immense sum, upon which no tax whatever was raised. Whilst England should remain at liberty to tax the Irish linens, or to prohibit the importation of them, this country would have in her own hand a check, that would prevent the Irish from laying prohibitory duties on English commodities; she would have that influence that a great customer would have on a shopkeeper to prevent him from using him ill, lest he should carry his custom to another shop: but the moment the present system should be adopted, England would lose the power which she possesses at this moment over the linens, and with it all the advantages inseparable from such a power: from the day that the resolutions should pass, England could not either tax or prohibit Irish linens; though the Irish should pursue such a line of conduct as might call for such a measure. The parliament of Ireland might, at a future day, lay on duties under the name of countervailing duties, which would amount to a prohibition, or operate as bounties, and resolve at the same time, that they had a right so to do under the present agreement; they had done so already in the case of sugars, but there he did not blame them; for according to the equalizing agreement, a heavy duty was laid in Ireland on moist sugars; and in consequence of that, a proportionate duty was laid on wrought sugar, as a protection to the Irish refineries. He did not think the duty laid on the importation of printed calicoes and cottons defensible; no man would be more concerned or sorry than he should be, ever to have recourse to the power of prohibiting Irish linens; it was, however, a power that he would be equally sorry to resign, because he would not wish to throw away the means of maintaining peace.

He had strong objections to most of the resolutions, on other grounds than those

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he had hitherto mentioned; he objected to the want of reciprocity; for the advantage was entirely on the side of the Irish, and there was none on that of the English: the taking off prohibitions was to the benefit of Ireland; for though many existed in this country, none or few existed in Ireland: and if England gave up the power of laying on prohibitory duties, Ireland would be the greater gainer; for if this country should have it in her power to prohibit Irish linens, Ireland could only prohibit the exportation of her provisions, which bore no proportion in value to that of the linens, and England could do much better without these provisions, than the Irish could do without the English market for their linens; England had done entirely without Irish provisions; and it was since he had become a member of parliament, that the law which prohibited the importation of provisions from Ireland was repealed: a foolish and absurd law it was; but still it showed, that Irish provisions were not necessary to this country. He objected to the resolutions, because they would facilitate the smuggling of an article, on which depended a very considerable part of the revenue of this country; he meant the article of salt. The Irish would get the rock salt, the raw material of the manufacture from England; and manufacturing it in Ireland, and sending it over here, they might make an enormous profit, not less than 500 or 600 per cent. At present, an Irish ship carrying it to England, would be liable to seizure; but when once these resolutions should have passed, then she might carry it with safety to our coast: if an opportunity offered, she might smuggle it on shore; if it was discovered on board by the officers, she had then only to enter it and pay duty for it. This, of course, would naturally operate as a great encouragement to smuggling, and consequently would expose the revenue to the risk of a considerable defalcation.

He objected also to the resolutions, because they would make this country give up securities for the preservation of her trade for worse; because it took the due enforcing of the revenue laws out of the hands of English custom-house officers, over whom this parliament has a control, and transferred it to others over whom it has none. He objected to them finally, because, though it was said that they would put an end to non-importation agreements on the part of Ireland, he believed they would produce no such effects. As he had numberless objections to the resolution even in its present form, in which he admitted it was much less exceptionable than when it was first opened by the right hon. gentleman, he would oppose it *in toto*; but should his opposition fail of the desired success, he would move different amendments on the different resolutions, as they should be proposed to the committee.

Mr. *W. W. Grenville* said, he had waited with great anxiety for an opportunity to deliver his sentiments on these propositions, in which he felt a deep interest. When he considered the relative situation of England and Ireland, he should have conceived it impossible, had he not heard the noble lord in the last and present debate on the Irish measures, that any man in his senses could have maintained in a serious manner, that the present system of intercourse between the two countries could possibly subsist much longer; much less that it might continue for ever, with mutual advantage to both countries. He confessed he was much surprised at the general argument of the noble lord: it was, the noble lord had said, in perfect unison with the whole tenor of his political life: it was so; but was that, he asked, a reason why it should be better intitled to consideration and respect? Was it because it breathed the same spirit with those arguments by which he supported the American war, that grand criterion of the noble lord's principles and abilities, that a House of Commons should, at this day, with all the experience they have had of the noble lord, suffer themselves to be imposed upon by him on the present occasion, because he had formerly found means of imposing on another parliament? The noble lord seemed to imagine, that Ireland did not call for any alteration in the system of commerce with this country, and that it was offered to her, and pressed upon her by the government of England. From the opportunity he had from his connexion with the noble person (earl Temple) who had been in the lieutenancy of that kingdom some time ago, he had an opportunity of feeling the disposition of the people there; and he was so thoroughly convinced of the necessity of altering and amending the commercial intercourse between them and the people of this country, that he had written over to his Majesty's then ministers, his sentiments on the subject; and they would no doubt have turned their attention to so important an object as soon as the conclusion of the peace had left

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them a moment's respite from the other weighty concerns of the empire, had they remained in office: their successors this day had taken it up, and it would afford him unspeakable pleasure, if he should have been in any degree, however humble, instrumental in restoring harmony and union to the two kingdoms; and, as his right hon. friend (Mr. Pitt) had said on a former day, in knitting together the remaining limbs of the empire. Had the noble lord been but as well informed on the subject as he ought to have been when he was in office, he would not have stopped where he did in the plan he had laid down for the commercial concerns of Ireland; nor would have waited to produce his plan, such as it was, until it had been forced from him by the point of the bayonet: the *lucida tela* had made him do on a sudden, what sound policy should have made him do long before. The noble lord seemed to think, that in the propositions then under consideration, the reciprocity was all on the side of Ireland; but his lordship must have hazarded the expression without reflection. If England should prohibit the importation of linens, the noble lord thought Ireland would retaliate only by prohibiting the exportation of provisions: but here the noble lord had surely forgotten the evidence that had been given at the bar; where it had been asserted, that the raw materials of many of the great manufactures of England were brought from Ireland: should the latter, then, prohibit the exportation of them, what would become of the English manufactures? Should she prohibit the exportation of woollen yarn, how greatly would the staple manufacture of this country suffer? Should she do the same with respect to raw hides, the different branches employed in the leather trade of Great Britain would be utterly undone.—He observed, that however fortified the noble lord might think this country against any hostile proceedings of the Irish merchants, by the power which she had of prohibiting the importation of Irish linens, this was no security; seeing that such a prohibition would operate as much against England as Ireland, and ultimately more; because, by that means we should be injured in the article of our shipping, and lose the carrying of the Irish linens to the foreign markets. Nor would this be the only bad consequence; this carrying trade being thus thrown into the hands of the Irish, they would thereby contract habits of intercourse with the States of America and with other foreign nations, that would by degrees undermine us in our trade to those countries. Thus, it would appear, that though a war of bounties would be highly prejudicial to Ireland, it would be little less so to England. The noble lord was of opinion, that the cheapness of provisions would enable the Irish to undersell the English manufacturer at his own door: but he had brought no proof of this; indeed, it would have been wonderful if he had, for nobody knew where to find any such proof: on the contrary, it had been proved at the bar, by captain Brooke, who had set up an extensive cotton manufactory in Ireland, that he had always given the same wages that were given at Manchester, and that he had, on more occasions than one, with difficulty escaped with his life from his workmen, who had confederated in order to compel him to raise their wages higher than those that were paid at Manchester. So far, no greater cheapness of labour appeared in one country than in the other: but supposing the wages were somewhat lower in Ireland than in England, he would not admit that as a proof that labour was in fact cheaper; for the true way to estimate that point would be to see what work was done for the money, and if the work was not proportioned, or equal to the price, then labour could not be said to be as low as from the wages it might appear to be. The noble lord had said, that this country contributed immensely in taxes towards the support of government, whilst Ireland was comparatively untaxed. To this he would reply, that if England was heavily taxed, she had now, and had had the benefit, for a whole century past, of a widely-extended trade, from which she had excluded Ireland; and the latter had already given to England, all that she would have made, if she had not been debarred from those advantages that God and nature had given her. Her poverty occasioned by this country was one ground of her claim to a participation of that trade too long engrossed by England; but this was not all, for exclusive of the army, which she kept up in time of peace, and the 3,000 men she constantly lent to Great Britain, and paid for the defence of the colonies, in return for this final adjustment, she would make a contribution to the support of the navy, by which the trade, to a share of which she was to be now admitted, would be protected.

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Mr. *Burke* remarked, that the language held out by the right hon. gentleman at the close of his speech, reminded him of sentiments somewhat similar that had been delivered from the same bench some few years ago relative to the American war; but he hoped he had heard them this day under better auspices. When the American war was opening, the language of the House was, 'The supremacy of parliament must be maintained.' But alas, this supremacy was soon renounced, and revenue became the fashionable word; so that the pursuit after contribution had succeeded the pursuit after dominion. The supremacy of the parliament over Ireland had been renounced; but the idea of contribution followed closely at the heels of the renunciation of dominion. He hoped in God the conclusion of this business would not be like that of the contest with America. What had fallen from the right hon. gentleman who spoke last, made it necessary that he should ask the Chancellor of the Exchequer a question, relative to the fund from which this contribution was to arise. Though he was not pleased with the notion of making Ireland pay any tribute as a compensation for what we were to concede; yet, since she was to pay it, it would be well worth the while of the committee to be informed of the probable amount of that tribute. He wished to know, then, whether the hereditary revenue was to be separated from every other fund in Ireland, so that the charges of the public might not first exhaust this before any other was touched: and also, whether the expense of collecting was to be charged upon it, and deducted from it, before any disposable surplus could come out of it?

Mr. *Pitt* expressed his surprise, that the right hon. gentleman had been able to find any analogy between the contribution which might be expected from Ireland in consequence of the adjustment that was then under consideration, and the revenue which some gentlemen had had it for their object to raise in America. The question in the latter case was, whether men interested in alleviating the burthens of themselves and their constituents, should, by the supreme power of parliament, impose taxes upon persons whom they did not represent; and raise a revenue to be applied to the ease of England, without leaving to the Americans the right of ascertaining either the quantum of that revenue, or the mode of raising it? The contribution from Ireland was to be levied and granted, not by England, but by the very representatives of the people of Ireland; not for the purpose of easing the burthens of any part of the King's dominions, but to maintain the navy, by which the common interests of both England and Ireland were to be defended and supported. Could any man see any one feature in this case that resembled, in the least degree, the picture of the rise and progress of the American contest? He hoped the right hon. gentleman's comparison of two questions that had not a shadow of resemblance to each other, would not be carried over to his native country without this reply to it; or that if it should, the good sense and penetration of his countrymen would prevent them from thinking, that in the application of a surplus of the sinking fund to the defence of the common interests of both kingdoms, there was the most distant idea of making one pay tribute to the other. The hereditary revenue, he said, let it produce what it would, should be charged only with 656,000*l*., all above that should be applied to the use of the navy; and the Irish parliament would of course add to the 656,000*l*. such other funds as should be sufficient for the different establishments both civil and military; this revenue would, of course, be charged with the expenses of collection.

Mr. *Burke* replied, that the right hon. gentleman had dealt by him as he had done by Ireland, he had given a great deal more than had been asked: mounted aloft on the shoulders of the right hon. gentleman on his right hand (Mr. Jenkinson) the Chancellor of the Exchequer seemed to stand in defiance of attacks, and, supported by that coalition, to brave every opposition. He envied not the statue its pedestal, nor the pedestal its statue. The right hon. gentleman had thought proper to remind him, that he was a native of Ireland; it was true; and he conceived that much was due by every man to the place of his nativity, but that this duty ought not to absorb every other. When another country was generous enough to receive a man into her bosom, and raise him from nothing, as this great country had raised him, to stations of honour and trust, and conferred upon him the power of doing good to millions, such a country had claims upon him not inferior to those of that which had given him birth; it was the duty of such a man to reconcile, if

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possible, the two duties: however, should they unfortunately point different ways, it was his bounden duty, either to return the trust reposed in him by the adopting country, or else consider its interests as paramount to every other upon earth. To consult the interests of England and Ireland, to unite and consolidate them into one, was a task he would undertake, as that by which he could best discharge the duties he owed to both. To Ireland, independence of legislature had been given; she was now a co-ordinate, though less powerful state: but pre-eminence and dignity were due to England; it was she alone that must bear the weight and burthen of empire; she alone must pour out the ocean of wealth necessary for the defence of it. Ireland and other parts might empty their little urns to swell the tide; they might wield their puny tridents; but the great trident that was to move the world, must be grasped by England alone, and dearly it cost her to hold it. Independence of legislature had been granted to Ireland; but no other independence could Great Britain give her without reversing the order and decree of nature: Ireland could not be separated from England; she could not exist without her; she must for ever remain under the protection of England, her guardian angel. From these principles, he trusted the committee would perceive, that in what he should say, he was influenced solely by the desire of promoting the joint interest of the two kingdoms.

He then returned to the hereditary revenue; he said that he should be sorry it were to be so understood, that what was now to be done for Ireland should be conditional, viz. that there should be a surplus of the hereditary revenue, and that it should be applied towards the support of the navy, for he was very much afraid that no such surplus would ever exist, and he would state his reasons for this apprehension. The revenue, in the first place, did not produce at present above 630,000*l.* and when the expense of collecting, the amount of bounties, and drawbacks operating as bounties, should have been deducted, the remainder would be little more than 333,000*l.*: now here was so little of a surplus, that there was a deficiency of 323,000*l.* which would be wanted, not to make a surplus, but to make the sum of 656,000*l.* the sum that must be applied to the support of the establishments before a farthing of surplus could be applied to the support of the navy. Was the right hon. gentleman ready to propose to the Irish parliament, to impose fresh taxes to the amount of 323,000*l.* a year? He was sure he was not, and that Ireland could not bear such an additional burthen. On what, then, did the right hon. gentleman found his hope of making the revenue equal to the demand upon it, and superior, too, if a surplus was to be expected? Why, on this, that the increase of trade would increase the hereditary revenue, and swell it to the size required. But a moment's consideration would shew how delusive such a hope was. Most of the articles on which this revenue was raised could not possibly increase: the old hereditary customs, granted the year after the Restoration of Charles 2, had not produced more for half a century than they did at the time of the Revolution; tea was not known then, and therefore there was no tax upon it when the hereditary revenue was given to the Crown: the inland excise had fallen off very much since the people ceased to drink beer and ale at their breakfast, and had fallen into the fashion of drinking tea. The crown and quit rents could not possibly be raised one guinea higher; they produced now, as they always had produced, and always would continue to produce 64,000*l.* and no more: there was, therefore, little hope that any surplus of the hereditary revenue would or could accrue.

He next turned his attention to the manufactures. Ireland, he observed, was not heavily taxed, and owed but a small debt: she had not many resources; but still, with economy, she could make an effort occasionally, that would give this country great relief. But England, on the other hand, was loaded with an enormous weight of debt and taxes; however, she had, in her trade and manufactures, the most astonishing resources: but should these once be taken from her, the immense load of debt would crush her to atoms; at least it would throw her from her rank among the nations around her, and not leave her wherewithal to defend either Ireland or herself. To take from her manufactures would be to deprive her of her resource, and to effect the ruin of the two kingdoms at once. Ireland, he said, was too prone to indulge in magnificence beyond her strength: she would wish to have dock-yards; she would have fortifications to defend them; she must

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purchase abroad every crooked, aye, and every straight stick necessary for the building of a frigate; she must have stores, and an immense train of artillery; and she would be completely a bankrupt before she could equip even five frigates. This country, after ages of commerce, was now in possession of what he might call an immense dead stock of stores and guns, purchased with an immensity of treasure: to her, then, would belong the care of fitting out fleets; it should be the business of Ireland to assist her in another way, and it was astonishing how much the latter might do by pursuing a rigid plan of economy. He was sorry to know, that at present, in time of profound peace, she was running in debt, her expenses greatly exceeding her income; but he remembered, that in 1753, she had been able to pay off a considerable debt, and had besides a surplus of 260,000*l.* in her treasury: but, what was truly astonishing, and he had been a witness of it himself, so soon after as 1761, she was enabled, by her prudent system of economy, to keep an army of 24,000 in pay, of which, 8,000 were sent by her to fight the battles of Great Britain abroad, whilst 16,000 remained in the kingdom for home defence: she also sent 33,000 recruits, her own natives, at her own expense, to fill up regiments in the British service, and spent above 600,000*l.* in Germany for the support of the war. This was an effort from which England had reaped the greatest advantage; and such might the future exertions of Ireland be in time of war, if she were to lay down a system of economy in time of peace.

Mr. *Wilberforce* stated, that besides the wish he had long felt, to explain to the House the grounds of his opinion on the subject of the Irish Propositions, he was the rather desirous of doing it at that moment, because the matter had been in a great measure brought to the true point of issue by the right hon. gentleman who had immediately preceded him. For his part, although undoubtedly it became the House to examine with care the commercial concessions that were making to Ireland, and therefore it had very properly gone into the state of the different manufactures, yet he could not help saying, that this question had been treated too much as a commercial, and too little as a political one; and in examining into the minutiæ of the detail, gentlemen had not adverted to what was the true question, Whether on the whole the advantages to be derived to this country from the adoption of these Propositions would repay us for the sacrifices to be made? This was the ground on which he wished the propositions to be tried, that on which he was willing to give his vote for passing them. This vote, however, he could not give, were he of opinion, that for all we were to grant, we were only to receive in return the surplus of the hereditary revenues above 656,000*l.* This, however, was not likely to be that barren, unproductive gift the right hon. gentleman had represented it; for if it were true, that some articles of which it consisted were not on the increase, there were others, and those to four times the amount of the former, which could not but increase with the increasing prosperity and opulence of Ireland; and he could not but think that many thanks were due to administration, who had made this first attempt to secure a certain contribution from Ireland for the common defence of the empire. But the advantage we were to derive from this settlement was not merely the hereditary revenue: besides some of a commercial sort, such as securing for ever the receiving their yarn, and the prohibition of our wool, the securing that they would take all their West India produce from our colonies, &c. the grand benefit in his mind was, that it established a final and permanent settlement, and by ascertaining the respective claims of the two countries, tended to stop all future jealousies, and establish harmony and good-will. If something was not now done, he was convinced that a revival of protecting duties and non-importation agreements would bring about a commercial warfare; and who was there, that was prepared to say the mischief would end there? Gentlemen, because they were not at this moment under the actual pressure of distress, ought not to treat these apprehensions as imaginary. The right hon. gentleman had said, that it was for the interest of Ireland to continue connected with Great Britain, because she was too weak to trust to her own single strength, and therefore she would ever continue so connected. But surely this argument might have been urged with equal weight to the right hon. gentleman, when three years ago he gave Ireland a complete legislative authority independent of Great Britain, as he stated with infinite pain and reluctance, without asking any thing in return for it; it might

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then have been said, Do not fear these hostile appearances, for it is the interest of Ireland not to dissolve her connexion with Great Britain; but either this argument was not then urged by his right hon. friend and the Secretary of State; or, if urged, the force of it was not admitted. States, like individuals, too often acted from motives of caprice and passion; and foolishly would experience prove him to argue, who should maintain that they would take such and such a line, because it was conceived to be their interest to do so. These, then, were the advantages which England would reap from this settlement. But what were the objections which had been made to it? They had been either general, or founded on the lower price of labour, of provisions, &c. giving such advantages to the Irish manufacturer as would enable him to undersell the British manufacturer in the foreign market, and even in this country: as far, however, as the supply of our own market was concerned, he thought we were completely guarded by the countervailing duties, making the direct impositions equal; whilst the difference in labour, provisions, &c. were more than compensated to us by the greater skill, ingenuity, and still more, the greater capital of our manufacturers. He begged, however, that the admonition of his right hon. friend, in a former debate, might be attended to, and that the House would not hastily conclude, that of necessity commodities must be dearer, where the necessaries of life and labour were high: the contrary had been proved by a very ingenious author, both from theory and experience. He enlarged on this idea, mentioning the case of our sending our iron manufactures to Sweden, though the raw material came from thence, subject to high duties there, and higher here; and with these and other disadvantages, he believed many of them were sold cheaper there than the same articles of their domestic manufacture.

Mr. Wilberforce particularly discussed the subjects of the iron and the woollen manufacture. With regard to the former he seemed to think the preservation of that trade an object so essential to us, that rather than lose it, we ought to keep it, by granting a bounty. With regard to the woollen manufacture, he confessed, that whenever he thought of its infinite importance to this country, and recalled to his mind the population, the wealth, the spirit which it produced in the county he had the honour to represent, he felt himself more strongly impelled to pass the resolutions, knowing, that if any thing were to interrupt the harmony between the two nations, this would be the first point in which Ireland would suffer her jealousy to operate; that the House knew that protecting duties had been talked of, and perhaps only warded off by the appearance that the Irish question would shortly undergo a complete discussion. He spoke of the pain he felt in differing from a part of his constituents, but trusted they would give him credit for acting from upright and honourable motives. He desired to take this opportunity of correcting a mistake which had gone into the world, that a noble lord in a preceding debate had charged his colleague and himself with refusing to present a petition which had been transmitted them by their constituents. This charge the noble lord had never made; the fact was, the only petition against the Irish propositions out of Yorkshire had come from Sheffield, which Mr. Duncombe and himself had, as was their duty, taken the earliest opportunity of laying before the House. He then returned to the question, and replied to an argument of Mr. Fox, respecting the encouragement to frauds in the revenue, which would be given by these propositions. These objections, however, being shewn to be of no weight, it did not follow, that what we gave to Ireland was little or nothing, because we should not lose much by it ourselves: Ireland already enjoyed every thing in her intercourse with foreign nations before, that she would after the passing of the resolutions. He then adverted to the measure of a union, which had been alluded to, confessing it was, in his opinion, the best scheme, but at the same time absolutely impracticable; who would think that Ireland, with the proud ideas she entertains of her parliament, would consent to send deputies to our parliament? This was the most unfavourable moment for the attainment of this measure, when England, from having been used to exercise supremacy over the Irish, would be likely to give less; and Ireland, from having just freed herself, as she stated, from Britain's yoke, would be likely to be more insolent in her demands. He begged the committee would observe, that most of the objections to the proposed settlement applied equally to the case of union. He

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also hoped the committee would bear in mind, that the adoption of this scheme by no means rendered a union impracticable, which the noble lord had stated as a measure to the embracing which the Irish would be induced by a regard to the Protestant interest, and other motives, the effect of which would be by no means weakened by the passing of the present propositions. He implored gentlemen to consider well what they were about, when they rejected the plan for a permanent settlement with Ireland. There were, he said, many considerations, both to alarm our fears, and to animate our hopes: the former was an unpleasing speculation, but he could not help desiring the committee to go into it. When the disadvantages of a rupture with Ireland were stated, it seemed to have been entirely forgot that there were other countries with whom she might form commercial and other connexions, which might be attended with fatal consequences to England, and he was free to say, in the end to Ireland herself: but it was an ungrateful discussion, which he had rather fly from, and leave these hints for every man's mind to ruminate on; he had more satisfaction in considering the happy consequences that might result from the restoration of good fellowship and harmony between the two countries. He trusted these propositions would manifest to Ireland that we considered her not with the jealousy of a rival, but the affection of a sister kingdom; and that mutual confidence and good-will would produce a unity of efforts for the promotion of the common prosperity and welfare of both countries; this, he said, would infinitely repay us for any sacrifices we were then called on to make. One advantage he had forgotten to state would result from the increasing wealth of Ireland, viz. that we should have a rich customer instead of a poor one.

He begged the committee would not be scrupulous in fixing their eyes on any trifling defect, if any such should be found in this great and extensive system. He would borrow the right hon. gentleman's allusion, he said, of the statue and the pedestal, and apply it to the present case. The most celebrated sculptor of antiquity had finished a statue, which was lying on the ground; and one person found one fault, and another another; here a speck, there a flaw; but when placed on its pedestal, all these little deformities and irregularities of the surface disappeared, and every one was ready to acknowledge the symmetry of the proportion and the beauty of the whole figure. He believed this was the case even in the present moment; that in spite of the petitions which had been presented, the majority of the people of England were friends to the plan proposed. He thought great thanks were due to his right hon. friend for having boldly brought forward a system for a settlement with Ireland, undaunted by the certain opposition it must meet with from the other side of the House, and the misrepresentations of it which were now to be spread through the country. He trusted his right hon. friend would thus always hazard his own situation for the public good; and observed, that the difference between his boldness and that of the right hon. gentleman (Mr. Fox), was, that the one could not be shewn to be influenced by any but disinterested motives; whereas, from accident no doubt it had happened, that the bold measures of the right hon. gentleman were such, the India Bill, the coalition, &c. as were likely at the same time to serve the country, and promote the particular interests of the right hon. gentleman and his party.

Mr. *Pelham* declared, that he never knew party attachment more exemplified than in the conduct of the hon. gentleman who professed himself so much exempt from it, nor could he conceive through what other medium he could view the propositions in so favourable a light. He discussed the former proceedings respecting Ireland, and was particularly pointed on Mr. Grenville's expression of the former resolutions being carried by the point of the bayonet. Declarations such as this, he said, came not with the best grace from that hon. gentleman, when it was remembered, that the doctrine of total renunciation was supported in this House by him, when he was the minister of Ireland. Whatever concessions might be thought necessary from this country to Ireland, were due to it in its dependent state; but now being independent, and a separate imperial kingdom, it had no right to partake of our resources, without participating equally of our burthens. The advantage of trade already extended to her had proved injurious to England, by depriving it of three fourths of that trade which it before had in exporting to Ireland. After touching on the unpopularity of the measure, he proceeded to shew, that labour was much cheaper in Ireland than

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here, though the contrary was so much contended for. The committee had heard the depositions of two manufacturers; one of whom had his manufactory in England, and paid 10,000*l.* per annum to the revenue, which, at the rate of 15 per cent. on his capital, must prove him to have from 120,000*l.* to 130,000*l.* in the business, which gave employment to 6,000 hands; the other an Irish manufacturer, with a capital of 80,000*l.* (40,000*l.* his own, and as much more borrowed of the Irish parliament); and what put the cheapness of labour beyond a doubt was, that the manufacturer on the smaller capital, employed 10,000 hands. Adverting to the compensation from the hereditary revenue, he argued that it was only ideal, there being nothing to prevent the Irish parliament from expending the full surplus, if there should be any, in the encouragement of their own manufactures by bounties. For these reasons he declared himself an enemy to the propositions.

Mr. *Grenville* explained the necessity of his supporting the total renunciation of legislative authority over Ireland, as every man in the country was of opinion that the simple repeal of Poyning's law would be insufficient, even while it was voting by the parliament of Ireland.

Mr. *Sheridan* observed, that as several fresh petitions came in, and that gentlemen, not sufficiently acquainted with the subject, would wish for more time, he would move, that the chairman report progress.

Mr. *Fox* rose when the question was going to be put, saying, that after having expressed his sentiments so fully on a former day, and after hearing his noble friend discuss them so ably that night, he should not have troubled the committee with any remarks, if some observations had not fallen, in the course of the debate, from gentlemen on the other side of the House, directed so personally to himself, that not to take some notice of them would be pleading guilty to the charge. It was not without some astonishment that he heard the propositions defended on the score of their popularity, and that astonishment was increased when he reflected on the quarter from whence that defence came. The hon. gentleman, who was representative for the county of York, and who could not be unacquainted with the sentiments of his constituents on the present measure, as they instructed him to vote against it, had expressed the disapprobation of his numerous and respectable constituents in the same breath that he asserted the popularity of the measure. That circumstance alone should have instructed him better, if he was not to be informed by the petitions which crowded the table, containing the signature of some hundred thousands. There was a time when the opinions of the people were apparently collected from a less numerous and less voluminous body of evidence. There was a time when collected opinions were opposed to measures: and when those opinions were considered decisive on a question to which the epithet of rash was this day added, while the more lenient and agreeable epithets of courageous and bold were applied to the subject now under consideration. But without taking to himself the credit of much sagacity, he could not be supposed totally ignorant of the danger to which he exposed himself in proposing his system for the government of India. But unpopular as that Bill was, and much as it was decried, he was ready at all times to defend himself on it; and the experience of another system, which was more successful, gave him no reason to change his opinion. He gave gentlemen credit for the dexterity with which they contrived to introduce this Bill, and blend it with every other subject: he was also prepared to hear the American war adverted to, however foreign to the subject. But among the many advantages of youth, it was no inconsiderable one, that in affairs of which they knew little but by report, in transactions in which they never bore any part, young gentlemen, after taking their seats in parliament, were at liberty to choose whatever side should then be most popular, in a question that had been long before disposed of. To hear such persons talk, who would not suppose that they partook in the toil of resisting those measures in their progress? Who could hear the declamation of the hon. gentleman (Mr. Wilberforce), but must be of opinion, that to him belonged the merit of concluding the American war? But these were auxiliaries which the gentlemen on the other side never failed to call in to supply the absence of reason and of argument. An hon. gentleman (Mr. W. Grenville), in a speech of considerable length, replete with invective and declamation, had used no other arguments except what had been before urged by the right hon. mover of the propositions: nor had he replied to any argu-

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ment against them, but what consisted in misrepresentation; and indeed, for the best of reasons, because the arguments used in opposition to them were perfectly unanswerable. In the present arrangement, whenever there was advantage, it lay on the side of Ireland; but to this country every provision was adverse. It was curious reasoning to account for the clause by which Irish linens, which was their staple commodity, should continue to be imported, duty free, into England, by saying that the same exemption from duty shall be there extended to British linens. It would be as reasonable in France, should she treat with them on similar terms, to say, you shall suffer our wines to be imported duty-free into Great Britain, and we in return will admit your wines duty-free into France, whenever you may have any. There were but two ways by which this country and Ireland could meet on equal terms; either to take off all duties, and admit every indiscriminate article from either country, or to lay general duties, *ad valorem*, on every commodity. The sixteenth proposition, if worded with a view to promote cavil, and increase ambiguity, could not be more successful; nor could any words be used more likely to be productive of dispute than the words 'effectual preference.' And the alteration of the fifth proposition to the twelfth was liable to the same remarks. The idea of countervailing duties, carried an absurdity on the very face of it; for as it was not only necessary to equalize the duty of the internal excise, but to bring it to a fair balance, it would also be necessary to consider all the attendant and incidental expenses to which the British manufacturers were unavoidably exposed. There were some taxes in this country which it would be impossible to countervail, as the House, the Servant, and Commutation-Tax, &c. The commercial complaint of Ireland he always considered ill-founded, though he thought otherwise of their political ones; but whatever ground of complaint they might have, this certainly was not the measure which could in any degree satisfy them. They wanted not this participation; they looked for protecting duties; and were the advantages ten-fold, he would not pay the price demanded for them, except he lost sight of that spirit of liberty with which that country was of late years particularly inspired. He was sorry to hear an hon. gentleman insinuate that a rupture might be the consequence of refusing this system to Ireland. He confessed, that though the powers of that country were much inferior to this if unemployed elsewhere, he could not without horror reflect for a moment on the possibility of such an event, and there was scarcely any thing he would not surrender to prevent it. In his own person he entertained the most unbounded national partiality for Ireland; he had the most particular attachments there, and there was an excellency in their character which must always endear people of that country to such as had these attachments; yet he was so much of an Englishman, that he could not part with those resources and advantages, on which our national existence depended.—He then took a view of the general question, and mentioned the circumstance of an union as extremely desirable, but what could scarcely be obtained, and was thrown at a greater distance than ever by the provisions of this arrangement. Adverting to Mr. Wilberforce's remarks on personal confidence, he said, the hon. gentleman having professed himself to be influenced only by his judgment in this day's vote, deserved to be commended, and the more so as he exercised that judgment in opposition to the opinions and instructions of his constituents. But other members of parliament did not hesitate to express that they were unacquainted with the merits of the question, but were ready to vote for them, reposing in the confidence and attachment they bore to his Majesty's minister; and in doing this, they made that sacrifice, which was the last a member of parliament should yield; they not only surrendered their own opinions into the hands of the minister, but at the same time they surrendered the opinion of their constituents. If a member could form no opinion of his own, he ought rather to adopt the opinions of those constituents who sent him into parliament, and whose interests he was engaged to consult, than yield himself to the direction of any individual. In complimenting the minister, it was judicious to adopt invectives against others. His popularity, if he possessed any, had a greater foundation in the conduct of others, than in any action of his own; for no measures of his own had any merit to recommend him to popularity: even his most zealous advocates were obliged to abandon him in one of the principal transactions of the session; but the misconception of the conduct of others was the base

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on which his merit was erected, it was his "Gay hope by fancy led." There were now petitions before the committee which ought certainly to be attended to before they decided on the question. It had appeared in evidence at the bar, that false and deluding expectations were held out to the manufacturers; and though it was attempted to be controverted in the absence of one of the parties concerned, he was now in London, and ready to corroborate what was stated before. Disapproving so much as he did of the present system, he was determined to give it all the opposition in his power; for which reason he intended to try the force of amendments with which he was prepared, and which, if adopted, would at least qualify the resolutions, and render them less dangerous.

Mr. *Dundas* declared, he had been a friend to every proposition that had been made in favour of Ireland in that House, from the time that earl Nugent stated his propositions in 1778, to those of the present day. From the arguments that had been held by the gentlemen opposite to him at the different periods when the subject had been agitated, he was at a loss to imagine upon what sound principle of reason or argument any one of them could object to the present propositions. He recapitulated the language of lord North when earl Nugent had made his propositions, which had been lost; and he had himself, in 1783, made those very concessions, which the noble lord had then thought proper to oppose. He read from a manuscript an extract of Mr. Fox's speech in the House about the 9th of April 1782, when Mr. Eden had come over in such a hurry from Dublin to propose the repeal of the 6th of Geo. 1, and when Mr. Fox had complained of his having taken that business out of his hands, which he declared he meant to have brought forward in a day or two. He stated what happened upon that occasion, and mentioned what had been the measure proposed by Mr. Fox a day or two afterwards. He afterwards turned to Mr. Eden, and read a part of his speech on the 9th of April to which he had alluded. Having finished this extract, he remarked that his right hon. friend was well known to have turned author on the subject, and expressed himself in very particular terms, when as a Mentor he had instructed his political Telemachus upon the subject of Ireland. He argued upon these different topics, and endeavoured to deduce from them, that, to be consistent, lord North, Mr. Fox, and Mr. Eden, must necessarily vote for the propositions. He entered into a defence of them, and contended that a security in our situation with respect to Ireland, the money spent by the Irish in rents here, and a great variety of other advantages, would accrue to this country in consequence of agreeing to the propositions. He praised Mr. Pitt's private virtues, and said, it was his political enemies, and not his friends, that he ever laid the lash upon, or to whom he shewed the smallest share of that haughtiness, severity, and sarcasm, which gentlemen on that side of the House were always imputing to him. He retorted on opposition for their attack on Mr. Pitt, and said, the support the right hon. gentleman opposite (Mr. Fox) and his friends trusted to was not so constitutional; but such as it was, he would not mention it, as it was unfit to be mentioned there. With regard to the pedestal and statue Mr. Burke's fancy had formed of the young minister standing on Mr. Jenkinson's shoulders, he said the right hon. gentleman opposite to him (Mr. Fox) he should conceive had alluded to the pedestal upon which he had endeavoured to place himself, and to have buried the ruins of the constitution under it.

Mr. *Fox* said, that he found it difficult to understand what the right hon. gentleman could mean by a constitutional support of an administration, that was of too delicate a nature to be named; for his part, when he was in office, there was no mystery in the sort of support which he looked and wished for, and that he flattered himself he obtained, which was the confidence of the Sovereign, expressed in his appointment, and the confidence of parliament manifested in his support.

Mr. Chancellor *Pitt* rose to say a few words relative to a subject which he had often heard a good deal of, as well in this and the former session, as in the last session of the late parliament, but which had that night assumed a more poetic and ornamental appearance than he remembered it to have worn on any former occasion, in that happy allusion to a statue and a pedestal with which an hon. gentleman had so ingeniously entertained the House; and after having profited by it so much in argument, he hoped the right hon. gentleman would shortly let him see it in a different dress, as he thought it highly cal-

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culated to gratify another sense, if set off with proper colouring, and exhibited, as he supposed it would be, in striking caricature, for the edification of the multitude. He animadverted on Mr. Dundas's allusion to the proper constitutional support of an administration. He said he could not but imagine that the right hon. gentleman had wilfully mistaken his right hon. friend, in stating his doctrine to be, "that a minister might have a constitutional support, which it would be indelicate to mention in that House:" this, he said, was by no means his right hon. friend's sentiment. He and his right hon. friend were ready at all times to avow what they looked upon to be the true constitutional support of a minister, but which widely differed from that support which the right hon. gentleman had wished to obtain for his administration, and which delicacy towards the right hon. gentleman had prevented his mentioning. That support which he should himself always look up to as the best and most constitutional, was the confidence of the crown, the confidence of parliament, and the confidence of the nation. This was a support which it ought to be the pride of every minister to enjoy, and which none could ever be ashamed to avow. But could there be supposed to exist a set of men capable of forming an unnatural and almost incredible combination, and by the strength of united numbers forcing out a ministry, whose sober plans and well-digested arrangements were found incompatible with the aspiring views of this newly-cemented phalanx; should they be supposed, after having stormed the cabinet, though neither called there by the choice of the crown nor the voice of the people, and distributed among themselves, according to each man's capacity or ambition, the several departments of administration; and then, as soon as they found themselves seated in the councils of their Sovereign, not satisfied with personal insult and contempt of his feelings, had commenced a regular and uniform system for degrading him from his importance, as first executive magistrate, to the rank of a cypher in the constitution—[Here the gentlemen opposite seeming to disclaim any such idea, Mr. Pitt said, he was glad to find they had changed their political creed, but that he much feared, if the period of their triumph and prosperity had continued, that they would not have stooped so much below the towering principles on which they acted, as even to pass by, on the present occasion, an opportunity of avowing them]—Having made this attempt on the dignity of the crown, should they proceed to look for such a support as would secure to them the undisturbed possession of their situation, and not satisfied with or desirous of obtaining it through the royal confidence, seek it by such means, as while they overturned every balance and bulwark of the constitution, by erecting a new and unconstitutional executive authority, and investing it with a new and unconstitutional weight of patronage, should afford them the fruit and reward of their struggles, and the dangers they had encountered, and at the same time lay a foundation for permanency, stability, and impunity; should such a set of men be found, he desired to know whether their motives, and the support they sought for, could, with any sort of decorum, be mentioned in that House?

Another topic, he said, had formed a considerable share of the arguments of the gentlemen opposite, which it was necessary he should say a few words upon. Two right hon. gentlemen finding little or nothing objectionable in the plan, as contained in the whole of the resolutions, the new as well as the old, had spent a great deal of time in pointing out the defects of the former, and afterwards in sounding their triumph, at having been the authors of whatever improvement the system had acquired by the accession of the latter. With regard to several of those improvements, he declared that many of them were coeval in his mind with the whole of the plan, and particularly that part of it which related to the preserving to the East India Company their exclusive commerce beyond the Cape of Good Hope. Why, then, it had been objected, were not all those amendments laid before the parliament of Ireland, in order to their passing upon the whole of the arrangement that approbation or disapprobation which they had been obliged, from ignorance of its extent, to confine to a part only? Because, he said, as it was first necessary to know what Ireland would take from this country in point of commercial privileges, and what she would be satisfied to give in return, it next became necessary for England to regulate and modify the concessions she was to make in such a manner as to secure her own interests, and to preserve to herself her full portion of that general benefit which

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the final adjustment promised to the empire at large. What Ireland would accept was contained in the Irish resolutions, and was the foundation of the treaty; in what manner, and under what regulations and conditions Great Britain would concede, was the superstructure; and therefore to have reversed or altered the order in which they had been brought forward, would have been a most flagrant breach of propriety and uniform procedure. With regard to the triumph which the gentlemen over the way expressed, at having been themselves the authors of the several amendments, it was a triumph which, however he might in a great many instances do it, he would by no means dispute with them. His own personal character, as far as it was connected with that particular branch of the question, however ambitious he should be of the approbation of the House and the public, was no great object with him, when put into competition with the magnitude of the subject before them. He should, indeed, deserve the charge which had been so often made against him of unpardonable presumption and arrogance, could he for a moment indulge an anxious thought for his own personal importance, on an occasion so highly momentous to his country as the present. Could he be so far unmindful of the duty which his situation imposed on him as to rely on his own solitary judgment, and reject the lights which might be obtained from other quarters, merely to support the vain ambition of acting from himself? No! He had received considerable helps and great assistance throughout the whole of the business, and even since he had first introduced it into parliament. The channels through which he had obtained this assistance, he said, were numerous; although, from the witnesses at the bar, he remembered nothing new; yet from the commissioners of the revenue he had received some information: from his friends, and among them, several members of that House, whose support and confidence he had the honour to enjoy, he had been favoured with much useful and practical advice; nay, he had been indebted to the gentlemen opposite for many valuable ideas, the adoption of which had been extremely instrumental in bringing his plan to that degree of perfection which it now could boast. Hence, the very efforts which had been made to impede and overthrow his system would in no inconsiderable degree contribute towards its success, by directing him to the discovery of such materials as had enabled him to obviate many of the objections which otherwise might lie against it. Thus it appeared how dangerous it was to give too great a latitude to our eagerness in pursuit of any favourite object; for in the extreme avidity of gentlemen to create difficulties, and to throw obstacles in the way of this arrangement, they had themselves greatly contributed towards diminishing the objections, and of course weakening the opposition that it was to meet. He was notwithstanding, however it might have been intended, under a considerable obligation to those gentlemen, whose severity had been productive of much benefit; and he sincerely wished that their correction, whenever they should think him deserving of it, might be always attended with consequences so desirable. But who was the author of those amendments, or how they were suggested to him, was an inquiry of no consequence to the committee; so inconsiderable an object as that was not now to ingross their attention; all that was necessary for them to consider was, that those amendments were a great improvement to the general system before them, that they tended more effectually to secure and promote the ends for which that arrangement was to be adopted, the general welfare of the empire, and a mutual participation of commercial advantages between its two most considerable members, the kingdoms of Great Britain and Ireland. The motives, therefore, which had heretofore urged him and his friends to this measure, had now acquired new strength and vigour from the still increasing prospect of utility, safety, and practicability, which those new amendments held out; and he hoped they would also operate in like manner on the House, encouraging them with greater confidence and spirit to put the finishing hand to a system, the necessity of which was so apparent.

The committee divided on the motion of adjournment: Yeas, 90; Noes, 195.

The chairman then reported the third resolution, to which Mr. Eden moved two amendments: the first purported to except from the description of goods to be hereafter importable from Ireland into Great Britain; "All goods of the growth, produce, and manufacture of places beyond the Cape of Good Hope to the Straits of Magellan." Mr. Eden stated, that this restriction was necessary, as it would be

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found upon examination not to be comprised within the terms of the ninth proposition, which secures the East India monopoly to Great Britain. The other amendment was, "That no drawback should be payable under the new plan, till certificates should be returned from the country to which the export is made according to the form at present practised." Both amendments were admitted by the Chancellor of the Exchequer after some conversation, and then the amended resolution was agreed to.

Mr. *Pitt* then stated the fourth resolution, and said, that he brought it forwards though at so late an hour, because he had observed from some gestures on the opposite side of the House, that it was likely to be misrepresented: in order to obviate which, he would introduce it with an amendment, which stated, that the laws of Great Britain to be in force in Ireland, were to be left to the admission and discussion of the Irish parliament previous to being enacted.

Mr. *Sheridan* answered, that the words proposed as an amendment, did not, in his opinion, tend to remove the very reasonable jealousies which the cause could not fail of suggesting, and recommended time for consideration.

Mr. *Pitt* said, that he understood other amendments were intended, and wished to know them, that they might be considered.

Mr. *Eden* thereupon stated some farther alterations; and added, that with the assistance of friends, he was prepared to submit several others on the principle of lessening the objectional parts of the plan, in case it should be forced forwards, which appeared every hour more difficult, without danger to the commerce of the one kingdom and the constitution of the other.

Mr. *Pitt* said, that as he by no means wished to discuss questions of importance in an exhausted House, he would consent to adjourn.

The House then adjourned at half past six in the morning.

May 24. The House having again resolved itself into the said Committee, Mr. Taylor in the chair, Mr. Pitt moved the fourth Resolution, viz.

"That it is highly important to the general interests of the British empire, that the laws for regulating trade and navigation should be the same in Great Britain and Ireland; and therefore that it is essential towards carrying into effect the present settlement, that all laws which have been made, or shall be made in Great Britain, for securing exclusive privileges to the ships and mariners of Great Britain, Ireland, and the British colonies and plantations; and for regulating and restraining the trade of the British colonies and plantations, shall be in force in Ireland (by Acts to be passed in the parliament of that kingdom) in the same manner as in Great Britain; and that proper measures shall from time to time be taken for effectually carrying the same into execution."

Mr. *Sheridan* asked if the words 'by Acts to be passed in the parliament of Ireland,' had really been moved on Friday morning; for he did not recollect to have heard them till the moment the chairman had read them.

Mr. *Taylor* replied, the words alluded to were most certainly part of the motion put into his hand on Friday morning by the Chancellor of the Exchequer.

Lord *Beauchamp* observed, that the House could not be too often reminded of the manner in which the business then under consideration had originated. It had not arisen from any requisition on the part of the parliament of Ireland, but had been suggested on the part of the ministers of Great Britain to the House of Commons in Dublin, by a gentleman, a member of that House, then in high office in that kingdom. The parliament of Ireland had adopted the propositions so suggested, and they had been afterwards proposed to the British House of Commons by the minister. He had not hitherto entered at all into a discussion of the general principle of the system in contemplation; but he could not help expressing his satisfaction, that a final settlement was about to take place with Ireland, on the important subjects of a commercial intercourse and a political connexion. With regard to the commercial system, he was very much inclined to declare his approbation of the plan adopted by his Majesty's ministers, and followed up in the propositions voted by the parliament of Ireland. He thought the admitting Ireland to a participation of the commercial advantages of this country, a fair, a liberal, and a handsome line of conduct for Great Britain to pursue, and such as could not but tend effectually to conduce to harmonize and cement the remaining parts of the empire, and to give strength, energy, and vigour to the whole. He had, he said, every

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reason of a personal nature to wish well to Ireland; and he had reasons equally personal to induce him to be anxious for the particular prosperity of Great Britain: thus circumstanced, it was impossible for him not to feel with perfect impartiality on the occasion, and to be sincerely desirous, that the future connexion between the two countries should be adjusted on such terms as should give complete satisfaction to both, and ensure their mutual happiness on a permanent basis. Under this impression he had endeavoured to investigate the whole of the propositions, with a hope that no one of them would have afforded the smallest ground for objection; he was sorry, therefore, to find, that the present proposition was liable, upon the face of it, to very serious objection. The last time the subject had been under consideration, it happened to have been extremely inconvenient for him to attend, or he should have stated his reasons for disapproving the fourth proposition, and have pointed out to the committee, why he thought it objectionable. The right hon. gentleman had, he found, made an amendment, with a desire to remove that interpretation to which the proposition was before obviously liable; but though he was ready to admit the right hon. gentleman deserved credit for his laudable endeavour to remove the objection, yet he must confess, that the amendment did not at all diminish the force of his objection to the proposition. He would state to the House his reasons for thinking so, and submit it to their judgment to decide whether they were not of some weight. In the arrangement of a system of so serious and important a nature, particular care ought to be taken in the manner of carrying it into execution, to guard against doing any thing that was likely to give rise to constitutional jealousy on the part of Ireland: now, in the proposition before them, there were words that he owned struck him as likely to have that effect: from the alteration proposed by the right hon. gentleman, it was evident they had struck him in the same manner; but though he admitted, that it was highly laudable in the right hon. gentleman to endeavour to obviate the objection, yet he must contend that the alteration proposed did not in the smallest degree remove it; because, if it were allowed, that the declaring that the laws which have been made, or shall be made, in Great Britain, for regulating and restraining the trade with the British colonies and plantations, shall be in force in Ireland in the same manner as in Great Britain, was liable to the interpretation, that it was infringing on the independent right of legislating for herself, which Ireland possessed; surely it was not less so, even although the British laws were to be in force in Ireland, in consequence of laws to be enacted by the parliament of the latter kingdom. On the contrary, if Great Britain previously bound down Ireland for the future to pass similar laws respecting the trade of the two countries with the West Indies, as Great Britain passed, Ireland was in that instance abridged of her right of legislating for herself, and her parliament became merely the promulgator and register of the edicts of the British parliament. He was far from suspecting that there had been any design by the insertion of this proposition among the rest, to play a trick off upon Ireland, and insidiously, as it were, to deprive her of a right, of which she was more proud than of any one privilege she enjoyed; valuing it, as he was persuaded she did, before all the commercial advantages, to a free participation of which this country had it in her power to admit her. The right hon. gentleman's character stood too high not to bear out any such suspicion; but knowing that she put this degree of estimation on the right of legislating for herself, he thought it his duty to warn the committee in time of the danger of suffering a proposition to pass which possibly might excite a constitutional jealousy in Ireland. He contended, that Mr. Orde should have been instructed to have submitted this proposition to the parliament of Ireland, previous to the British House of Commons being called upon to vote it; because, unless we were certain that the parliament of Ireland were ready to coincide in it, the voting it in that House was not only a step that might, by its future consequences, turn out to have been unnecessary to have been taken, but extremely unwise and imprudent. His lordship reminded the committee, that it was rather extraordinary, that a proposition, which had not made any part of those suggested to the parliament of Ireland, but had been moved even subsequent to the first day of opening the subject to the British House of Commons, by way of amendment, should be declared essential towards carrying into effect the present settlement. If it were so essential, it ought undoubtedly to have been suggested to the parliament of Ireland, to-

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gether with the others, previous to its coming to the British House of Commons. He saw no reason whatever for the proposition making a part of the plan; at any rate, there could not be the smallest occasion for inserting that part of it which, he feared, would give rise to that constitutional jealousy it was so much his wish to prevent: he thought it would be enough to make a general declaration, that it was highly important to the interests of the British empire, that the laws for regulating trade and navigation should be the same in Great Britain and Ireland; and leave it to the prudence of the two countries to act upon that declaration. By way of impressing the committee with an idea that this might be done with perfect safety, he urged the general readiness of the parliament of Ireland to pass laws for commercial regulations, similar to those passed by the parliament of Great Britain. He concluded with submitting to the committee an amendment, by leaving out the words from 'Ireland,' to the words 'and that proper measures should be taken,' &c.

Mr. *Dempster* could not help thinking that his noble friend's objection was solely owing to his not having properly considered the nature of the compact or treaty then under consideration. He said, he admired the treaty altogether, and considered it as one of the wisest and most prudent measures that ever was agitated; but surely the proposition objected to by the noble lord, was by no means liable to the objections made to it. Did the noble lord recollect, that it was to be regarded exactly as a treaty between two foreign powers? for it was a treaty between two independent parliaments, which would exist after the treaty was concluded, and therefore it was not like the Union with Scotland, by which the parliament of Scotland was abolished: in case any part of the operation of the plan of Union had proved inconvenient and oppressive, there was no party existing to treat for Scotland. Supposing, on the other hand, for instance, that the treaty now negociating between Great Britain and Ireland should turn out as ruinous, as he in his conscience believed it would prove the reverse, the parties who made it being still in existence, would have it in their power to undo any part of it that, upon experiment, had been found to fail, and to new-arrange it in a manner less injurious and more just. Mr. Dempster was loud in praise of the plan of connexion now in negociation, and desired gentlemen to look at the sad reverse of the picture that would present itself, in case the present propositions were not agreed to. Let gentlemen suppose Ireland provoked to the extinction of British manufactures by means of high protecting duties; let gentlemen suppose her neutral in a time of war; let them suppose a French fleet lying and victualling in Cork harbour, upon the look-out, ready to seize upon our ships as soon as they came out of our ports; let them suppose the Irish forced to seek new markets for their produce and manufactures, and coming back from the continent freighted with contraband goods, which they could bring home with a view to run them into our ports; let gentlemen suppose them in a still more hostile state, and the idea would be melancholy in the extreme. He urged the committee, as they regarded the welfare of the empire, by no means to set their faces against the propositions, the not passing of which could not but be attended with the most disagreeable consequences.

Mr. *Powys* declared, he had not said any thing upon the general question of the propositions; but there was one question to which he should be glad of an answer:—In what situation would the seamen of Ireland stand in time of war? Because, if they were to all intents and purposes the same as the seamen of Great Britain, the question then became considerably narrowed: it was no longer a question of navigation, but remained merely a question of finance and a question of commerce. With regard to what had fallen from an hon. gentleman, it was impossible for him to agree with him in that part of his argument in which, comparing the intended compact with Ireland to a treaty between foreign powers, he had talked of its being a perpetual and permanent treaty, and yet had advanced, that if it was proved to bear hard upon either of the contracting powers, it could be put an end to, and new-modelled. This was not merely directly the reverse of what he understood to be the nature of the treaty in question, but a contradiction in terms; for how could that be said to be a permanent treaty, that was liable to be broken off at the will of either of the parties? Mr. Powys said, he understood that it was to be a permanent treaty, and to continue in force for ever. With regard to the question relative to the seamen, that he should wish to have answered, if it were worth

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the while of the right hon. gentleman to take any notice of a question coming from what was called the mere 'trumpery' of the House.

Mr. *Pitt* said, there was no need of putting such a question to him in so pointed a manner, as he should always be ready to answer whatever might be demanded of him of that nature, upon the slightest intimation from any gentleman of a desire to hear his opinion. With regard to the question which the hon. gentleman had put relative to the situation in which the Irish seamen were to stand after the conclusion of the present depending arrangement, there was no great difficulty in answering it. The situation of the Irish seamen with respect to this country was to be precisely the same as it was at the present moment; for the same claims which the king of Great Britain had by the laws of Britain to the services of the British seamen, he would also have in his capacity of king of Ireland, by the laws of Ireland, to the services of the seamen of that country. Thus the general welfare of the two kingdoms being one and the same thing, so the principal defence of each, those persons who served in our navy, would be properly under the very same head and authority, namely, the king of Great Britain and Ireland. This was the constitutional situation in which they now were, and would continue to remain under the new arrangement; but, in another point of view, they would undergo a very essential change, because, by becoming more closely connected with the interests of Great Britain, they would consequently be found more zealous to promote and support them. There was another subject which it was necessary for him to say a few words on. This was an answer to something that fell from the noble lord, which he thought of so very extraordinary a nature, as to call loudly for a complete refutation. If he could have thought it possible that the proposition could, by any construction, be made instrumental to the design towards which it was endeavoured to apply it, the creating an alarm in Ireland, as if a re-assumption of the legislative authority of Great Britain over that kingdom were in contemplation, he would rather abandon and relinquish the whole of his plan, than risk the dangers which must arise from such a misconception. But he would trust to the good sense of the people of Ireland, that they would see the proposition in its true light. To communicate to Ireland our trade to our own colonies, necessarily implied that Ireland was to put that trade under such regulations as Great Britain had found necessary towards rendering that trade beneficial to herself; and it was but common sense and common justice that Ireland, in being admitted to a participation of that over which Great Britain had an indisputable dominion, (her colonial trade) should at least bind herself not to exercise the newly-acquired right in a manner which the parliament of Great Britain having judged injurious to her interests, and incompatible with sound policy, had of course prohibited to her own subjects. He argued on the absurdity of supposing that there could on any occasion in Ireland be a question as to the adopting a law of Great Britain on the subject of the navigation and commerce with the colonies; for as no law could ever be supposed to be passed in England except for the advantage of England, so the adoption of the same law in Ireland must have the same effect there.

Mr. *Sheridan* contended that it was fair to argue, that the proposition was a direct attempt to legislate for Ireland, and not the less so in consequence of the amendment. It was therefore, insidious in the last degree for Mr. Orde not to have stated it to the Irish parliament, to whom the business had been opened in a very different manner. He declared that the voting resolutions to bind Ireland down to pass such and such laws, without enabling her to go even into a committee with the Bills, was crippling that right of legislation which she had claimed and we had admitted, and leaving her the mere shadow of independence. He therefore contended that it was probable in the highest degree that the resolution under consideration would excite much constitutional jealousy in Ireland.

Mr. *Dundas* said, he had gone straight forward all through the business, and in that line he was determined to persevere, judging for himself upon a full examination of the subject matter of the system, and giving all the facts that had been adduced, and all the arguments that had been urged, just so much weight and authority as he was of opinion belonged to them, and no more. Thus had he been undismayed by the clamour of the manufacturers, their fears and their exaggerations, while they were at the bar; and in like manner did he now feel equally

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undaunted at the alarms and jealousies which the hon. gentleman who spoke last, and his friends, had endeavoured, by their inflammatory speeches, to excite in Ireland, being perfectly persuaded that the people of Ireland, and especially its parliament, had some understanding, and that they gave that House and the Government credit for a moderate share of understanding likewise. There was not, he dared to say, one man to be found in Ireland so completely wrong-headed as to see the resolution then under consideration in the point of view in which the hon. gentleman had so artfully laboured to place it; for, in plain sense, what was its meaning but this? The system of which it was a part, gave Ireland a full and equal participation of our commerce and our navigation trade, and the resolution said, 'take our commercial regulations and our navigation laws, with that commerce and that navigation trade; be upon the same footing with us, share the same advantages, submit to the same regulations.'

Mr. *Eden* said, that he felt himself obliged to oppose an amendment moved by those with whom he generally agreed, upon a principle adopted by those with whom he generally disagreed. It had been well stated by the right hon. gentleman who spoke last, that if the two kingdoms were to have one trade and one navigation, they must also have one law, for the purpose of preserving this union of commercial interests, otherwise it was easy to foresee that it would speedily cease. If, then, the laws must hereafter be the same in the two kingdoms respecting those extensive objects, it would be an absurdity to suppose that the framing of those laws could be left to both: it must necessarily be given to one; and the only question was, under this statement, as to which should have the preference. Admitting these premises, which the majority of the House was clearly disposed to admit, it was unmanly to attempt to palliate or conceal the conclusion. Undoubtedly, if Ireland should decide to accept the essential conditions of the treaty now brought forward, she must wave the independence of her legislature on the points described in the resolution, and must fairly resolve and agree to re-enact and register the laws relative to trade, navigation, and plantations, hereafter to be enacted in Great Britain. Nay more: she must consent to be named in those laws, and be bound by them specifically; for it was mere nonsense to suppose that the intended compact could otherwise be carried into execution: and he would venture to assert, that if the people of Ireland should think it expedient to suspend their late enthusiasm for a freedom of legislation, they would do it in the most manly avowal, and would disdain to fritter away the truth of the case by refinements and flattering constructions. Undoubtedly, the embarrassment was a considerable one; but it had required little exertion to prove it from the first opening of the propositions. When the present treaty with Ireland was first announced, it had been natural, on the one hand, to suppose that a great arrangement, brought forwards without any pressure of distress or any claim of right, would be found evidently advantageous to both the contracting parties; on the other, it was difficult to imagine that there could be any safe mode of giving an unrestrained communication of markets between two kingdoms; one of which was obliged to raise taxes to the amount of near 50,000*l.* a day, and the other hardly to the amount of a twentieth part of that sum. It was evident that such an undertaking would be so dangerous to the commerce of the taxed country, that it would ultimately lead to demands dangerous to the free constitution of the other kingdom, and whether carried into effect or not, prove a source of permanent uneasiness and perpetual discussions to both kingdoms. All the transactions of the last three months had confirmed this reasoning; every day exhibited new dangers and new difficulties in the completion of the proposed system; and at length it now appeared so radically changed from its original form, that no man possessing either common sense or one honest sentiment would attempt to say, that both the original and the present plan, either of negociation or final arrangement, were defensible. One of them, at least, must be wrong; and those who, like himself, had utterly reprobated the original plan, could not at least be accused either of levity or of worse motives; for the framers and supporters of the present plan had joined also in deserting it.—As to the present proposition, he had four amendments to propose: the first would include "all laws concerning seamen." He concurred with Mr. Powys in thinking such a provision important; for, without it, Ireland would have it in her power to possess herself of our ship-

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ping and sailors by the gradual transfer of our trade to Irish ports; and Great Britain would, in the opening of future wars, see Ireland in possession of a large proportion of her seamen, and the land of refuge for the remainder. The words of this amendment were taken from Mr. Yelverton's Bill. His second amendment was to confine the laws required to be re-enacted by Ireland, "to be such only as impose the same restraints, and confer the same benefits on the subjects of the two kingdoms." He next would say, that the laws thus to be adopted by Ireland should be for the same duration only as in England. And lastly, he would move to omit the two last lines of the proposition, as being at least unnecessary, if not exceptionable. Mr. Eden took notice of the menaces which had occasionally been intimated, of the possible mischiefs which might result in case Ireland should be disappointed in the present treaty. He said, that such disappointment, if it took place, would properly be placed by Ireland to the charge of those who had engaged her in the recognition without due foresight; but as to the intimidation, he would neither affront Ireland so much as to suppose her capable of absurd resentment, or debase the constitution of the two kingdoms so much as to admit that it was possible to carry an absurd treatment into effect. Gentlemen talked as if the Irish legislature consisted of two branches only: they would do well to remember, that the royal assent was also necessary to the passing of Irish laws, and that if it were possible for that prerogative to be exercised to the manifest detriment of this kingdom, the ministers who advised it would be responsible with their heads; but he again repeated, that the whole supposition was insulting to the Irish, who were a liberal, honourable, and enlightened people.

Lord *Mulgrave* said, that not having before troubled the House with his sentiments on the subject, he would choose the present division of it as best adapted to that particular mode in which he wished to argue it. That many commercial and political advantages would result from the close connexion thus to be established between the two countries, was a truth that he thought had been sufficiently elucidated in every debate on the subject: he would, therefore, consider it professionally, and in that point of view he could not but feel an uncommon degree of satisfaction at the prospect of seeing that desert which now separated the two kingdoms, whose solitary and uncomfortable expanse was only exhilarated with here and there a straggling packet or linen vessel, become crowded with the shipping of the two countries, not only facilitating a mutual interchange of their several commodities, but also promoting a union of interests, of affections, and of habits, between the several inhabitants. The Irish Channel would thus become a most valuable nursery for seamen, and the eastern coast of Ireland, with the western coast of Great Britain, would shortly afford an equal supply of hands for the navy of the empire, as the eastern coast of this kingdom did already. The accession of Ireland rising in commerce and in population, in consequence of the new system, would be an accession of one third of the power and importance of the empire; but, alienate her interests from those of England, and one half, at least, of our strength would be lost. He declared that he had but one objection to the resolution before them, which was in the word 'equal;' this, he said, he wished was changed into the words 'the same,' because the latter could be liable to no dispute or uncertainty, and the former might: besides, he thought the word 'equal' pregnant with more cavil and disunion than the word 'effectual,' which had filled the noble lord in the blue ribbon with such severe apprehensions. He laughed at the idea of any pretended delicacy of mentioning the name of Ireland in such acts of the British legislature as were clearly of the nature of treaties between distinct powers; and he stated very strongly that Great Britain was just as much pledged to Ireland by these resolutions as Ireland was to Great Britain.

Lord *North* repeated his argument, that the propositions were all the better for the amendments; but that, nevertheless, amended as they were, they were not such as in his sober judgment he could approve. That the present resolutions were legislating for Ireland, there could be no doubt; whether Ireland would or would not consider it as an insidious attempt to reclaim and recover a right granted to her by the repeal of the 6th of George 1, was a matter that would depend upon circumstances. His lordship entered into an investigation of the question, whether Mr Orde had been to blame or not, for not making the present resolution known to the parliament of Ireland. He said, if Mr. Orde was aware

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that such a resolution was to be proposed to the British parliament, undoubtedly he ought to have stated it, because it was an essential ingredient in the system; but if, on the other hand, it was an amendment that had been suggested to the right hon. gentleman since the propositions had been before that House, it certainly was not to be imputed to Mr. Orde as any circumstance upon which blame to him ought to attach.

Mr. *Jenkinson* maintained that the condition now required did not lay any new imposition on the Irish legislature, by which their independence was either violated or abridged. It was no more than a condition which one independent nation thought it necessary to stipulate for from another, in a bargain which was to be mutually beneficial. Such conditions were frequently required in negociations between rival nations, in defensive and offensive as well as in commercial treaties. Mr. Yelverton's Act pointed out the words which he thought should be used in this resolution; and he did not feel any difficulty in his own mind upon the question that this condition would in any degree trench upon that Act.

Mr. *S. Thornton* said, that the resolution was necessary as a guard to our navigation laws, and such as he thought would by no means alarm the Irish nation. They would see the propriety and necessity of the condition, and in the mean time it would quiet the suspicions of gentlemen in this country. He believed that the Irish resolutions were popular among the merchants of this country, and that they were not alarmed at the dangers which were studiously pointed out as the consequences of the new system.

Mr. *Fox* began by observing, that when the Irish propositions were first laid before the British House of Commons, the minister declared that the consequence must certainly be, that all the complaints of Ireland would be completely settled, not only upon fair but upon advantageous terms to Great Britain. That although a participation of our commerce would be granted to Ireland, yet such was the deliberate wisdom with which the propositions had been framed, that although great advantages were promised to Ireland, we, in fact, should be adding very considerably to our own. He declared, that as a friend to Ireland, no man had it more at heart than he had to grant every advantage to that country consistently with the safety and welfare of his own: that he was perfectly of opinion, the prosperity of Ireland was the prosperity of Great Britain; and, on the other hand, he was also of opinion, that the prosperity of Great Britain undoubtedly must be the prosperity of Ireland. To promote the welfare of Ireland, and to see that perfect cordiality and mutual confidence firmly established, which were so essential to the prosperity and happiness of both countries, no man could entertain a sincerer wish, or should exert himself with greater zeal than he was ready to do, in order to accomplish a purpose so necessary for the good of both countries. He should ever consider it to be his duty, as a member of the British parliament, not only to view the propositions as they might affect the interests of his own country, but also to see in what way they would operate in Ireland; for he considered, that if they should tend to injure the interests of either country, the purpose for which they were intended must be equally and certainly defeated.

That some measures were absolutely necessary to establish content and mutual friendship between Great Britain and Ireland no man could doubt: but how little the propositions that had been laid before parliament were adapted to produce such a happy consequence, every day's examination had more and more confirmed. That this was the fact with regard to the propositions in general, no one could doubt who had given them the least attention; but if there was one proposition more pregnant with objections, and against which both countries had greater reason to complain, it was certainly this fourth proposition now under the consideration of the committee. This very proposition would certainly be found to contain matter so injurious to both countries, that instead of producing any thing like salutary consequences, it must, of itself, prove the cause of endless jealousies, ill blood, and animosities between the two countries.

Mr. Fox then adverted to the insidious conduct of ministry, and to what had fallen from his hon. friend behind him (Mr. Sheridan) respecting this very proposition not having been laid before the Irish parliament with the rest. Mr. Fox was certainly of opinion, that no power of language could do away the charge of insidiousness made by his hon. friend, when the direct attack against the legislative independence of Ireland came to be justly viewed. He called to the recollection of the com-

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mittee, that when the original propositions were laid before the House, the right hon. the Chancellor of the Exchequer peremptorily declared that they must pass then—that they could not be altered—but that such as they were they must stand or fall together. When the minister made this declaration, it must also be fresh in the memory of every gentleman present, with what indecent hurry it had been attempted to carry those propositions through the House; as well as with what extreme difficulty he had been able to prevent the minister from succeeding in that attempt. Had the minister been successful in carrying the original propositions, it was now very well known that some of the essential interests of this country must have been sacrificed; among which, the East India Company's charter certainly could not be ranked as the least. These facts plainly proved, how necessary it was to take sufficient time, to weigh well the different effects the propositions were likely to produce: several alterations, called amendments, had already been adopted, which at first appeared to lessen the evils the proposition contained; but they certainly were not adequate to remove those solid objections that still remained against them in general, and this fourth proposition in particular; and without removing which, the worst and most unhappy consequences must necessarily follow.

Mr. Fox declared, that aware, as he undoubtedly was, of the imbecility of the councils by which the Irish propositions had been framed, and doubtful, as he must certainly be, of the wisdom or even fairness of any negociation carried on by the present ministry, he owned, however, that his apprehensions had been principally roused by that hurry with which the minister attempted to drive the original propositions through the House of Commons, and the difficulty with which he had been able to get the opportunity that had been acquired to consider them with some attention. Added to this, he could not forget, how every species of obstruction had been adopted, to prevent information from the different manufacturers from being brought to the bar of the House; from whom information of the most valuable kind ought to have been looked for in the present business. Nor could he forget the duplicity with which some of these men had been treated by ministry: it was the characteristic of men who meant to deal fairly, to admit every information; while men of a different description did every thing in their power to prevent it. That this had been the conduct of the present ministry, was sufficiently established by every part of their conduct relative to this negociation: and yet, such was the confused texture of this business, that what with the ignorance, duplicity, and hurry, which had appeared, it was difficult to say which were most conspicuous; but taken altogether, it was highly necessary to watch, with the keenest attention, the conduct of the ministry.

By the original propositions that ministry had attempted to hasten through the House of Commons, it was now very well known, that they would have given up the power of the British parliament to renew the East India Company's charter. To what motive were we to impute this circumstance in the propositions? Was it to be looked upon as an effect of the minister's ignorance? Or, was it a concealed and secret sacrifice intended to be made of one of the principal branches of the revenue of Great Britain? If we were to attribute this sacrifice merely to that stupidity which so eminently displayed itself throughout the whole conduct of ministry, he should be glad to know, what reliance could be placed on any of their measures? Were men, capable of such neglect, worthy to be intrusted with the concerns of a great commercial nation? If, on the other hand, we were to imagine, that ministry were aware of giving up the power of the British parliament to renew the East India Company's charter, what must the public think of their fidelity to that Company, upon whose shoulders they had raised themselves to their present station? In either way, the consequence must prove equally fatal to every thing like confidence in the present ministry.

But what rendered the conduct of ministry most atrocious in the propositions that had been attempted to be passed, was, that these very propositions, which ultimately went to the annihilation of the East India Company, as a Company, altogether, were introduced by that very man who owed his popularity to the pretence of vindicating their charter, which all the world knew had been abused! Yet, we had seen that very man, who was the pretended friend of the East India Company's charter, merely because it was a charter, introducing propositions as a minister, by which the annihilation, not only of the charter, but of the Company itself, as a

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Company, must have been the consequence. The public in general, and that Company in particular, were now sensible or soon must be sensible, who were the real friends of the East India Company.

Mr. Fox begged leave to observe, that every species of misrepresentation had been made use of, to mislead the minds of the public relative to the Bill he had the honour to introduce for the better regulation of the East India Company's affairs. Those misrepresentations had been but too successful at the moment; but he felt that confidence which filled the mind of every man who was conscious of having acted upon just principles for the good of the empire, that time would open the eyes of the public, and shew them who were the real friends to the true interests and prosperity of the country in general, and of that Company in particular. He declared in very animated language, that no man was a firmer friend to personal liberty, or held the security of personal property more sacred than himself. That no measure of his, ever had, or ever should contain an infringement of either; and, although such an idea had been maliciously interwoven with his East India Bill, yet, that such an idea was false and groundless, he boldly maintained, and defied any man to prove that there was any foundation for it. The charter by which the East India Company held the monopoly of that trade, was like all other charters; it was a charter granted upon certain conditions, to a certain number of men, for the better conducting a plan for their advantage no doubt, but not merely and entirely for their advantage, but for that of the community at large. The East India Company's charter was therefore a trust, which, so long as the conditions were fulfilled, and were not injurious to the public, ought not to be interrupted or molested. But, when that trust had been abused, would any friend to the present government pretend to say, that it was not the duty of parliament to interfere? Or that by a violation of the conditions on their part, they did not themselves forfeit their charter? The East India Company's charter was precisely a trust, not an irrevocable grant: and the conditions upon which parliament could grant such a charter, must be consistent with the good of the empire, without which parliament could not grant a monopoly to any set of men whatever, nor, consistently with its duty to the public, permit any charter to be continued, the conditions of which had been violated, or which became injurious to the public good.

The abuses of the East India Company's trust, it was well known, had been recognized by parliament, and in this House by a very large majority. Their misconduct had not only disgraced this country abroad, but threatened bankruptcy and ruin to their trade at home; and such had been the consequences, that parliament had not only been obliged to forego some of its claims on the Company, but to administer considerable assistance to save it from destruction. To preserve that trade, which he well knew was essential to the British revenue, he had introduced his Bill, and in the hour when popular prejudice was at its height, he had always stood forward with this declaration. He was ever ready to avow that Bill; and he was sure that time would shew its necessity, though perhaps too late to effect those salutary consequences, so greatly wanted to give stability and prosperity to the East India Company's affairs.

Mr. Fox observed, that his Bill was founded on the necessity of a regulation of the East India Company's charter; not to remove the property or to affect it, but to give it that permanency and support which its tendency to dissolution avowedly stood in need of. But what was the conduct of the right hon. the Chancellor of the Exchequer on that business? Why, although it was proved on all hands, that the charter had been abused, and that the conditions upon which it had been granted had been violated, yet he opposed the Bill, and defended the charter merely because it was a charter. That the right hon. gentleman was successful in exciting (respecting his Bill) groundless apprehensions, was well known; and now let us see upon what degree of consistency, and what degree of sincerity, his friendship to the East India Company was really founded. Why, the proofs of them were to be found, and would remain for ever against him in these very propositions. The first negociation he was engaged in as a minister, he had made their charter, and their existence as a Company, a sacrifice—an unnecessary, unsolicited, wanton, and careless, or treacherous, sacrifice to Ireland. Mr. Fox said, that he, for one, would never consent to make a surrender of the East India Company's charter; and zealous as he undoubtedly was for the prosperity of Ireland, yet he never could consent to place

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this country in so humiliating a situation, that it should be obliged to solicit the consent of the Irish parliament for leave to grant a renewal of the East India Company's charter. Upon that trade, Great Britain depended for a considerable revenue, and this the minister ought to have remembered. Was it to be imagined that Ireland would have returned so immense an advantage; or, that the Irish parliament would have been justified in giving it up again, although they had obtained it unsolicited, through the ignorance, or some worse motive, of our ministry, and it should even have appeared without their intention? Undoubtedly it would have been absurd to expect any such thing. Once gone, there was an end of it for ever.

Of the propositions now before parliament, the more they were considered, the more he found them liable to serious and insuperable objections. The ministry, notwithstanding their boasted determination of carrying them in their original form, had been obliged to give it up, and thence had proved to all the world, that they could not vindicate them, and that they themselves now considered them as originally inadequate; that they had stood upon ground which they found not tenable, and therefore, to make them less exceptionable, certain additions and amendments had been adopted. But could any gentleman take upon himself to say, that the amendments were sufficient to remove the evils contained in the propositions? Certainly not: and it was his opinion, that it would be infinitely better for the peace and harmony of the two countries that no treaty at all should take place, than that the propositions now before the committee should pass. For unless such a plan was devised, as should effectually remove the grounds of uneasiness, without being materially detrimental to either country, it were better, doubtless, that no plan at all should be put into execution.

Mr. Fox then said, that the propositions were to be considered as a treaty between two independent powers for the mutual advantage of both. It was a bargain going on between them to this purpose, "I will give you so much for so much." In the construction of all fair bargains, it was ever understood, that both parties were to be benefited; that neither was to be wronged; that neither was to be injured. But this fourth proposition possessed the most extraordinary qualities that ever marked a negociation; it promised so much to Ireland, that it threatened the existence of many of our most valuable manufactories; it also demanded a surrender from Ireland of her legislative independence. To grant Ireland advantages detrimental to the immediate support of the British empire, could never be required by Ireland; and ought not to be given by us. To grant Ireland advantages and require a price she could not accede to without relinquishing her legislative independence, would be an insult to her understanding to expect. Yet such was the absolute tendency of this fourth proposition, and such the consequences that must take place if it was carried.

The complaints of Ireland undoubtedly merited every attention, and might, if not removed by wise and salutary measures, prove the cause of serious consequences. But did any one imagine, that her complaints were to be relieved by advantages arising from a participation of our trade, when she, on the other hand, was to be obliged to relinquish the independence of her parliament? Would not that resumption of the legislative power of the British parliament over that of Ireland, be a means of defeating every advantage to be expected from a participation of our trade? Undoubtedly it would: and in this case, Ireland made an absolute and certain surrender of what was her chief pride—the independence of her parliament—for a participation, the advantages of which Great Britain could always defeat by her resumed power over the parliament of Ireland.

That the uneasiness of Ireland was worthy of the greatest exertions of our abilities, and required immediate attention, must be admitted: but when the effects of this proposition should take place on the manufacturers of this country who had applied by petition, were we to imagine that the complaints of the people of England would be less formidable, when they should find their interests sacrificed? Did any man pretend to say, that a commotion in England would be less alarming than discontent in Ireland?

The necessity of pursuing this business with the utmost circumspection, the necessity of acting upon deliberation, arose from this circumstance, that the propositions, when acceded to by Ireland, would and must be final. An hon. gentleman (Mr. Dempster) imagined it was necessary that these propositions should be tried, because something was necessary

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to be done; but he was clearly in an error respecting the nature of the present negociation. The hon. gentleman considered it as differing from the treaty with Scotland (which forms the union), as that treaty could not be altered; because, said he, one of the parties who framed it is no more, meaning the Scottish parliament. He imagined that the present propositions could be altered, because both the parliaments who agreed to them will still remain. In this Mr. Fox begged leave to observe, the hon. gentleman had totally misunderstood the fact. The propositions, when agreed to by the British and Irish parliaments, would form a solemn treaty which neither country could afterwards alter or infringe, without a direct violation of good faith. And in this he held the language and idea of the Chancellor of the Exchequer; and in this, and in this only, he agreed with him. However detrimental the propositions, therefore, might hereafter be found to either country, that country could not redress herself; for such was the nature of the treaty. Did they not therefore demand the most deliberate investigation?

The alterations that the propositions had already undergone, were standing proofs, that no dependence ought to be placed in the wisdom of those who originally offered them to parliament. After the declaration made by the minister, upon his first laying those propositions before parliament, that they must stand or fall together, his mortification could not be small, to find himself forced to submit to alterations, in order to preserve that majority, from which he had received so many proofs of acquiescence to his measures. Supported as the right hon. gentleman often had boasted he was, yet he had certainly been disappointed in the present business: he had not found the present House of Commons pliant enough entirely to forget their duty to their country: he had been forced to admit amendments; but, whether with a view to benefit this or that country, or only to maintain the station he now filled, the public must be left to judge. That the minister had solemnly declared, he would admit no alteration in the original propositions, was a fact. Had he kept his word? No: but by acting as he had done, it was plain his confidence in the support of the present House of Commons began to abate. And there was little doubt, but as they receded from the minister's confidence, they would rise in the good opinion of the public. For, perhaps, a more general and better-founded alarm had never spread itself all over the kingdom than had been excited by these propositions.

The people had been very slow in their apprehensions of the present ministry. From the present parliament, undoubtedly the people had a right to expect the strongest exertions, and the most unremitting care for the general good. The majority had been sent to parliament under the most popular approbation, though founded in delusion, that ever had marked a general election. Yet, in the ministry, the people had shewn by the petitions that crowded the table, that they had not now that confidence they once had, and that they were seriously alarmed for the safety of their trade and manufactures, and in a degree that no minister had ever dared to expose them to before. Little, indeed, could the people suspect, that the same man who had made himself popular by a clamorous support of a charter which had been abused, would, when in power, have attempted to hurry propositions through the House, that entirely gave up for ever the power of renewing that very charter! For no man would pretend to say, it would have been doing less, if the minister had been able to pass the original propositions. But with what astonishment must the people behold him engaged in a business, by which so many manufactories must be exposed to ruin; and which, at one blow, swept away the means of existence to thousands of the manufacturers of Great Britain! That these were facts, the petitions upon the table proved. And petitions from a more numerous, or more respectable body of men (however neglected and insulted by ministers), had never been presented to this House before.

Much, though ill-founded reliance, was placed on the amendments that had been made. But were they adequate to remove the evils with which the propositions were loaded? No. Had the petitions ceased to come in since the amendments had been adopted? No. Had ministry been able to get any one set of manufacturers in the kingdom to approve of the propositions, notwithstanding the amendments? No. They had not been able to obtain one paper of approbation to lay upon that table, which groaned with the mass of petitions against the propositions. Was the conduct of the ministry sanctioned by

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any one set of men in the kingdom, who had appeared in the business? No. Was not every man in a state of alarm who had the least sense of the danger of the propositions? Certainly. That this fourth proposition contained in it subject of serious alarm to the manufacturers of Great Britain, was fully established.

But let us see how Ireland would be affected. Would she only be benefited? Was there nothing prejudicial to her interests contained in this propsition? Undoubtedly yes: for it was made a part of it, that she must relinquish her legislative independence, and adopt again, in future, laws made by the British parliament. To take a more direct view of this proposition, it would be found, that where the ministry had not displayed their imbecility, they had been insidious; where they had not been insidious, they had been treacherous; and by one or other or all these, had they been directed in their prosecution of this very proposition now before the committee.

His hon. friend behind him (Mr. Sheridan) had clearly established the insidious conduct of ministers, in not having laid this proposition before the Irish parliament with the others; particularly, as by it, Ireland bound herself to resign her legislative independence. If it should be pretended, that there was no insidious intention in not carrying this proposition before that parliament, it became a proof of their imbecility in not having done so; because it was deemed essential: and therefore it proved, that ministry had not been capable of finishing and completing their system to lay before Ireland. If it should be pretended that there was no meaning in the clause which bound the Irish to adopt the British acts of parliament, and that Ireland would not be bound by it, then must the whole be treachery to this country.

As a proof of the imbecility of ministers, and how distant this negociation was from the estimation due to a well-digested plan, Mr. Fox observed, that very early in that evening's debate the right hon. the Chancellor of the Exchequer had informed them, that one of the alterations, called amendments, in this fourth proposition, was made in consequence of some gestures he perceived on that side of the House when the proposition was read in the committee the last time of meeting. Could a stronger picture be given how little administration was able to rely upon their own deliberations, than was conveyed in this declaration of the minister? That nothing permanent or beneficial to either country could be expected from the councils of those who framed the propositions, Mr. Fox said he well knew. But that such a mark should be set upon them by the minister as this, that he had adopted an alteration barely upon perceiving a gesture on that side of the House, was an acknowledgment how little they could depend on their own judgments, beyond what he could have looked for. What could the people think of the whole system, when a gesture was the avowed cause, by the minister, of an alteration in one of the Irish propositions, which was declared essential towards carrying into effect the present settlement, and formed one of the most important branches of that system which was to give content to Ireland, and mutual happiness to both kingdoms! That very system, which the same minister told them must stand or fall together, we now found, by the same minister, was become so weak in their own eyes, that a gesture was a sufficient reason to make an alteration in it. Such was the consistency and firmness of the present administration!

But, notwithstanding this gesticulated alteration, the original evil still remained. Like every other alteration made in what was in itself radically bad, every amendment, as they were called, only shewed the original deformity of the propositions in stronger and stronger colours. This fourth proposition, as it now stood, could never be agreed to. The first and second part were incompatible, and it was impossible that both countries could agree to it. In the first part Ireland was promised a participation of our trade. This must afford, at first sight, a fruitful prospect to her. But what were the terms upon which she was to attain this participation? Why, by binding herself to adopt such British acts of parliament, hereafter to be made, as Great Britain should think fit to send there. Would Ireland agree to this with her eyes open? And would the Irish not discover the surrender demanded of them on the first perusal of the proposition? Undoubtedly they would; for to suppose they would not, would be estimating them a nation of idiots. However detrimental an unlimited participation of our trade might be to our manufacturers, yet the benefit to Ireland must be remote. And Ireland, by this proposition, in surrendering her

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legislative independence, gave up a certain good for an uncertain benefit. If a man were to set about framing a proposition that could contain matter most objectionable to both countries, he could not frame one more completely so than this fourth proposition; seeing that the advantages held out by the first part of it are overbalanced by the demand of a surrender of the legislative power of Ireland. Hereafter Ireland would have no power to consult her own interests, but must adopt the British acts of parliament; and having once agreed to the propositions, she from that time would have no alternative, but must adopt the laws framed here, and sent to her. Was it imagined the people of Ireland would not see through this pretended favour? Would not the mind of an Irishman revolt now at the idea of keeping up the form of a parliament, who must register those laws which should hereafter be sent to Ireland? They would have no alternative, nor could they call one of those laws into question, or debate even upon their merits: having agreed to accept these propositions, they would be bound for ever to obey this condition.

An attempt had been made by the opposite side of the House to assert, that whatever the consequences might be to Ireland, she would have no right to complain, because the propositions originated in her own parliament. With respect to the fourth proposition, this argument, mean as it certainly was, could not be applied, as it did not originate in Ireland. But as to laying any stress upon the propositions coming from Ireland officially, it was well known and generally admitted that they sprang originally from the ministry here. Therefore there could be no advantage taken against Ireland on account of the propositions coming from her parliament.

To impose upon a people under any pretence, but particularly at the same moment you are telling them of granting them advantages which they did not possess before, could only be attempted by the worst of men and the most profligate of ministers. Even if such a trick could be successful, would any man pretend to say that an imposition was the most likely way to heal the disquietude of the people of Ireland? Did any man pretend to say that a system built upon such principles was capable of establishing any thing like an harmonious or permanent understanding between the two countries? He must be a visionary in politics indeed, who could entertain an idea so absurd. In order to illustrate this position, Mr. Fox begged leave to suppose a case, that we were carrying on a negociation with any foreign power that was friendly towards us; and that the minister of this country had induced that power to prefer such and such proposals to our parliament. When they found that they had been trepanned into an imposition, was it to be imagined they would abide by it, merely because they had been seduced by our ministry to be the proposers of it? Undoubtedly they would not: and indeed, so far from thinking themselves bound to abide by it under such circumstances, their pride and interest would feel doubly wounded, and the treachery of such a minister would operate with double force to make them reject it more firmly and with greater resentment.

As Ireland by this proposition must be obliged to adopt whatever laws Great Britain in her wisdom should see fit to make for the regulation of that trade which Ireland was to share, was it not the most obvious thing in the world, that, having that power, the British parliament would abandon the interest of this country, if, in framing her laws, they were not particularly attentive to the particular interests of Great Britain? No man could doubt it. Yet if we were even to allow that this should not happen, and that it never did happen, still, such was the natural jealousy of human nature, such the apprehension naturally raised by giving power to others, that suspicions would unavoidably rise, and the natural consequences of such suspicion must follow.

The chief aim of Ireland in all her late endeavours was to obtain an independent parliament, and she was now possessed of a legislature independent of Great Britain. Was it to be imagined that, under the idea of getting a participation of our trade, she would relinquish that power? It would, in fact, be yielding up her independency entirely to do so; and it would be estimating them a nation of idiots, to suppose they would give up the principal characteristic of a free people, or make a certain sacrifice for a promised benefit they never might be the better for. Even if Ireland agreed to surrender her legislative independence, and bound herself to adopt in silence whatever laws Great Britain should hereafter think proper to impose, were we to expect the same obe-

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dience to those laws as if they had been framed by their own parliament? There was, Mr. Fox observed, a material difference between that kind of obedience, which arose from a mind influenced and guided by voluntary and constitutional ideas, and that which arose from the mind which aimed not beyond that which claimed no higher description than the French gave by the term *par manière d'acquit.* Tedious and ineffectual must be the obedience paid to laws framed in this country for Ireland now, when that spirit, which alone gave energy and dignity to the execution of all laws, was broken and discomfited. This fourth proposition, therefore, is so pregnant with evils and objections, that the framer of it seemed only to have been engaged how to distress us with the difficulty of enumerating them. Thus stood the objections against this fourth proposition—objections on all sides unanswerable, solid, and irremovable—objections that in the very face and front of them threatened worse consequences, and, in future, greater evils than any that could now exist.

Mr. Fox begged leave to state before he concluded, that it was the practice of the right hon. the Chancellor of the Exchequer, in answer to any remarks that he had the honour to submit to that House, to take great pains to make it be believed that he (Mr. Fox), by exposing the weakness and fallacy of the measures of administration, in effect created them. Gross and absurd as such a mode of argument certainly was, the right hon. gentleman was so constant in the use of it, that Mr. Fox said he foresaw that on the present occasion it would form the line of his conduct. Of this it was only necessary to observe, that it would be incumbent on the right hon. gentleman to prove how the exposure of an evil could create it. Mr. Fox, with some warmth, declared, that he hoped he was too well acquainted with his duty in parliament to sit there merely to register the measures of any ministry without examining them to the best of his abilities. If the arguments he had used to shew the fallacy and insufficiency of this fourth proposition, and its direct tendency to injure both countries, were not founded upon facts, the good sense of the people of Ireland would pay no regard to them; the manufacturers of Great Britain would be contented.

Administration had taken some pains to make the House believe that if they could carry this fourth proposition in the Irish parliament, there would be an end of the business, and an end to all apprehensions on our part, as the treaty must then be final. But let the House not deceive themselves with this idea, nor think so meanly of the Irish, that even if their parliament should make a surrender of their legislative independence, the people at large would agree to it, or remain quiet under such a sacrifice. There were recent historical facts which proved that the acquiescence of the Irish House of Commons was not conclusive. And it was necessary to make this remark now, that we might not be deceived into a belief, that by their acceding to this fourth proposition the business must be finally settled. It was not the acquiescence merely of this or that description of men that could settle upon a firm basis the terms that were equal to bind and cement the interests and prosperity of a great commercial people, if that acquiescence was given in opposition to reason and to facts.

Salus populi suprema lex, was a maxim universally admitted. And such was the unfortunate construction of the fourth proposition, that nothing was more probable than that both countries would be obliged to appeal to it for relief. Incompetent as the propositions had been found to quiet the uneasinesses, or secure the affections of Ireland, and pernicious as this fourth proposition was, in particular, to the honour or interests of either country, Mr. Fox appealed to the candour and good sense of the committee, whether it would not now be more fair, more manly, and more honourable to address the Irish to this purpose:—"that, however desirous and happy we should be to serve you, yet, in justice to our own country, we find we cannot grant what we offered. Without being the ruin of many here, we cannot serve an equal number of you. Without exposing our own country and its manufactures and manufacturers to ruin, or without your yielding up the independency of your parliament, we cannot grant the participation offered to you." Gloomy, disgraceful, and fatal as this address would prove to the present ministry, yet it could not be denied but that the same address was conveyed to the Irish indirectly by this very proposition.

To prosecute this measure upon terms that never could be adhered to, and if admitted, could never prove permanent,

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must prove the source of endless and additional complaints from Ireland, and of trouble to Great Britain. As a generous and liberal people, the Irish ought to be dealt with accordingly. They were capable of receiving the worst with fortitude; but it was by no means to be expected, therefore, that they would be imposed upon with patience. The prosperity of Ireland was undoubtedly to be considered as the prosperity of Great Britain; and there was no Irishman of sense but was equally sensible that the prosperity of England was the prosperity of Ireland. In our prosperity the Irish were as firmly interested as we were in theirs: and if they could not prosper without endangering that trade upon which the revenue of the empire principally depended for support, they would ultimately find it a purchase dearly bought. Yet it was by no means his opinion that the prosperity of Ireland might not be promoted without injury to the British trade: but of this he was sure, that no good could ever arise from the present measure of ministry towards carrying on the purposes so much wanted—that of a perfect and cordial understanding between the two countries.

Nothing was more plain, and nothing more true, than that the more the Irish propositions had been investigated, the greater number of objections had arisen up against them. They promised much to Ireland, but took away more than they gave. The learned gentleman over the way (Mr. Dundas) had said more to these points probably than he intended: he had avowed a caution necessary on his part, to say how little Ireland would be benefited, how much Great Britain would be a gainer. This was the ministerial language here; and it was well known they held another language in the other kingdom. This was only part of that littleness of conduct, mixed with duplicity, that distinguished all the measures of the present ministry, and particularly their conduct throughout this negociation.

This system was pregnant with the worst consequences to both countries. Without administering any certain good to Ireland, it was to be accomplished only by a surrender of her legislative independence. The participation threatened, on one hand, ruin to many of our most valuable manufactories, and demanded a surrender from Ireland, ever too dear for her to pay, for any advantages of trade so remote and uncertain as it might prove. A system loaded with such objections, and pregnant with such mischiefs to both countries, Mr. Fox declared he could not vote for. Monstrous as the sacrifices were that had been attempted by ministry to be made to Ireland, (in particular that of the power of renewing the East India Company's charter); destructive as this fourth proposition must prove to thousands of manufacturers in this kingdom; yet nothing was more obvious than this fact, that Ireland would reap no advantage whatever, as the resumption of the British parliament over that of Ireland took a power that did away every idea of benefit to be expected from the participation of our trade.

Numerous as the objections against this proposition really were, Mr. Fox declared he did not take upon him to say that all the objections contained in them were yet found out; for as more of them were discovered, the more they seemed to multiply, and grow daily stronger by their numbers. It was not, therefore, to be wondered that ministry did every thing in their power to hurry them through parliament; but let them beware of the consequences.

Impregnated as the propositions were with the most alarming mischiefs to both countries, and foreign as they were to effect any one good purpose to either, it was his duty to oppose them; for, instead of producing benefits, they would certainly prove the source of the most unhappy consequences both to Great Britain and to Ireland.

Mr. *John Scott* defended this proposition from the charges Mr. Fox had brought upon it, and said that the Irish were no more degraded by the conditions for which we stipulated, than we were degraded by the conditions on our part, that we would not in future legislate against Ireland. He warmly approved the whole of the resolutions, as a system calculated to produce amity between the two nations.

Mr. *Pitt* said, that Mr. Fox's argument that the Irish might have got rid of the condition annexed to the grant of the colonial trade, with the resolution which he himself moved in 1782, had no affinity. In that resolution Mr. Fox had stated, that "the connexion between the two kingdoms should be established by mutual consent upon a solid and permanent basis." Mr. Pitt desired to know, therefore, what Mr. Fox meant by that expression of per-

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manency, if it was true, as he now asserted, that the Irish could relieve themselves from the condition whenever they liked.

Mr. *Fox* said, that he did not think it necessary to state what would have been the measure which he should have brought forward to square and conclude the commercial relation between the two kingdoms; all that he had before asserted in respect to the permanency of the concessions in 1780 was, that the option was permanent, and the option was in the Irish.

Mr. *Courtenay* confessed that he entertained prejudices in favour of Ireland, which he was not ashamed to avow in the face of a British House of Commons, persuaded that they would have liberality enough to make allowance for these prejudices. It was the avowed intention of the present proposition to cement the interests of the two countries; but he could point out in almost every one of them the foundation of jealousies and dissentions. If the present proposition should pass in the parliament of Ireland by the strength of a majority, the consequence would be that it would divide the parliament and the people. It would reduce that parliament to the situation of the parliament of Paris, in registering the edicts of the Grand Monarque without the power of making any alteration. Could a Bill enacting these commercial regulations, in its progress through the House, undergo any amendment either at a first, second, or third reading? Could it be brought into a committee with a view of improving it? On the contrary, this resolution, if carried into a law in that country, would bring back the parliament to its state of dependence and servitude during the operation of Poyning's law: it was possible the minister might be able to carry the proposition through by majorities in parliament both in this country and in Ireland; but recent instances might have convinced him that a measure repugnant to the general sentiments of the public could not be carried through, however countenanced by influenced majorities. The right hon. gentleman found himself reduced to the mortifying necessity of abandoning a favourite object, which, however, at the beginning of the session, he carried by a decided majority. The Westminster scrutiny, though countenanced by that House, was given up for its unpopularity without doors. He would venture to declare, from his knowledge of the pride, the jealousy, and the spirit of his countrymen, that a proposition of this sort would be universally scouted throughout the country. Zealous and watchful as they were of their newly acquired independence, they could not suffer themselves to be dictated to by any power whatsoever. Distinctions would undoubtedly be made between acts of parliament which met the general sense of the people, and those thrust down by the hand of sovereign authority. Of those distinctions the Irish advocates could not fail to take advantage; and he was persuaded that the feelings of juries would go in unison with them. This he was the more convinced of from a recollection of the conduct of the Dublin juries on the trial of the Hearts-of-Oak Boys, whom they refused to convict on the clearest evidence, because they were removed from their own vicinage by an Irish act of parliament.

Lord *Mahon* contended, that the parliament of Ireland would have much more reason to complain of an encroachment on their legislative independence, if the resolution should pass with the amendment, than in its original state. He then said, that after all the declarations made by the champion of the people, when he stood forward as the defender of Britain, he little expected to find him now converted into an Irish patriot. He recollected to have heard him declare, during the administration of the earl of Shelburne, that any minister who should advise his Majesty to give the royal assent to any act of the Irish legislature, must be responsible to the British parliament. How he could reconcile that with his Irish patriotism, he left him to say.

Mr. Alderman *Sawbridge* said, that a real patriot was a man who entertained the principles of universal liberty, without limiting himself to local attachment. The noble lord, he said, had stood forth as the champion of the liberties of the citizens of Geneva, while he seemed to be an advocate for despotism at home.

Colonel *Fitzpatrick* said, that from the experience which the course of his residence as well as his situation in Ireland afforded him, he knew so much of the country as to foresee that the present resolution, if persevered in, would be followed by the most unhappy consequences. Should the parliament of Ireland acquiesce in the present resolutions, they certainly would act against the opinions of the people, and little need be said in order to shew the

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danger of setting the people and the parliament at variance. It would readily be perceived that the present system was a resumption of that power this country formerly possessed, of external legislation over Ireland. This was what the people of that country were so long jealous of, and what they at length succeeded in overthrowing; and their patience would scarcely brook to have the effect of all their labour destroyed, though even with the consent of their own parliament. The appearance of duplicity towards Ireland should, of all things, be studiously avoided, and the alteration made in the propositions could scarcely be viewed in any other light by the people of that country. Convinced by the evidence at the bar, he was satisfied the propositions were favourable to Ireland in their original state, and the nature of the alterations induced him at present to entertain a contrary opinion, and to think they would give satisfaction to neither country. Apprehensive, then, lest all the expectations entertained of the good consequences they would produce of union and friendship might be frustrated, he was determined to take the sense of the House on the present question, though likely to be left in a very small minority.

The House divided: For the amendment, 36; Against it, 194.

May 24. The House again resolved itself into a Committee of the whole House on the Irish Propositions, Mr. M. A. Taylor in the chair. The Chancellor of the Exchequer having moved the fifth Proposition,

Mr. *Eden* proposed to insert the words 'United States of America,' by way of amendment. He explained to the committee the reasons on which he grounded the necessity for inserting the amendment he had made. He urged the extreme necessity there was in this arrangement, to guard and protect the revenue against the dangers of an illicit commerce; and argued, that this country would be left in a state in which it ought not to remain, unless such an amendment as he had proposed was inserted; because, we should be liable to have New England rum, and a variety of articles, the produce of America, smuggled into Great Britain, through Ireland, to the manifest prejudice of the produce of our West India and American colonies.

Mr. Alderman *Watson* returned his thanks to the right hon. gentleman for having moved such an amendment: had he not done it, he would have moved one extremely like it himself; instead of 'United States of America,' he should have moved it by the word 'States,' singly, because America had states aliens to this country, that were disunited, as well as states that were united; he alluded to the state of Vermont. The amendment was exceedingly important; much more so than the committee might have imagined. The alderman mentioned some of the articles that would, if the present system of arrangement with Ireland went on, be liable to find their way into Great Britain to the prejudice of our colonial produce. Having stated this head of his subject much at large, there were matters passing in America, he said, that he viewed with an eye of comfort and satisfaction. There had been before the war a whale fishery all along the seas that washed the American shores; that fishery employed great numbers of fishermen; quiet, peaceable, industrious, hard-working men: men, happy under the government of Great Britain, as formerly established in North America. These men, he rejoiced to hear, were already disgusted with the new system, and had left their ancient places of settlement in great numbers, to come and live again under the British government in Nova Scotia, Newfoundland, Canada, and our remaining colonies and islands in North America. Their numbers were daily increasing, and it was a most fortunate circumstance for this country, because the American whale fishery was not only a valuable branch of traffic, but it was also important as a nursery for seamen, and might, in a few years, prove of essential advantage to this country. The alderman stated the quantity of barrels of oil produced, and detailed other channels of advantage that might be traced from it. He said, he had not before found an opportunity of saying much upon the subject of the proposed arrangement with Ireland: he assured the committee, he had contemplated its probable consequences with care, and he was not afraid of them. Though Ireland had her local advantages; though her western shore was nearer the Atlantic, and nearer to America and the West Indies, and her southern coast near to France, there was nothing to be deduced from these considerations, but a conclusion, that with a proper management, cemented and connected by bonds of cordial

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amity, enjoying mutual benefits, and bearing mutual burthens, the happiest consequences were to be expected for both countries. With regard to the several motives that had actuated those who had come forward with propositions respecting Ireland, he believed they had both of them stood nearly on the same board of the political stage; they had all played parts in the farce of "Le Médecin malgré lui;' but it was enough that they had severally played their characters well. He admired the bridge that had been built across St. George's Channel by the noble lord in the blue ribbon, in 1780: he admired also the superstructure now raising upon that foundation by the Chancellor of the Exchequer; but as he was persuaded both were designed ably and for good purposes, he did not admire those who laid the foundation, abusing the building of the superstructure; neither did he admire the builders of the superstructure abusing those who laid the foundation; they both had their separate merits in the great work they each constructed.—In the present business, he was satisfied the right hon. gentleman was proceeding like a wise and a prudent statesman. A great deal of alarm had been spread in this country, but it was ill founded: he had listened to the manufacturers when examined at the bar; he had heard them with attention; he had read their evidence with care; it had made no impression on his mind to warrant fear or apprehension. He had heard it said, that we should have the sugars of foreign colonies, of the French West-India islands for instance, smuggled into this country through Ireland. Let those who held such doctrines talk upon the subject with merchants competent to converse upon it; they would laugh in the faces of those who entertained any such idle notions. Merchants knew, that the French would not suffer even a cask of their sugars to be put on board any bottoms but their own; they knew the value of their carrying trade, and they would admit no nation to share it with them. But, were the fact true, and could all the sugars the French West India islands produced, be purchased and brought here, he should say, so much the better: we should have the carrying of it; our navigation would thrive, and the nurseries of our seamen would thrive with it. The fact was, the French would part with nothing at their islands to strangers, but what they could not better dispose of themselves: they would part with their molasses, which they sold to the Americans, and thence the American rum. Mr. Watson repeated his declaration, that he had no dread of the plan of arrangement with Ireland, but, on the contrary, the warmest hope that we should soon feel one common interest; that the seamen of Ireland, and the growing wealth of Ireland internally, would be found to be the source of satisfaction and of strength to this country. That a full and free participation of commercial advantages should produce any other consequences he did not expect: the skill and ingenuity of our manufacturers; the boldness, the enterprize, and the experience of our mariners; the large floating property our merchants possessed; all these were circumstances to ground a rational hope upon, that with care and attention, ecomony and prudence, Great Britain would rise rapidly; her commerce was already increasing apace; her vigour returning; and her wealth beginning to accumulate. To what, then, had we to look, but to the pleasing prospect of her being enabled soon to raise her head among the nations?

Mr. *Eden* said, he would readily embrace the worthy alderman's proposed amendment, and let it stand 'States of America,' instead of 'United States.' Indeed strong reasons had occurred to him that it ought to be so within these few minutes. Mr. Eden then proceeded to adduce a variety of arguments to shew, that the particular state of the tobacco trade, and the different duties under which tobacco was imported into this country and into Ireland, rendered it highly necessary that some guard should be put into the propositions on that point.

Mr. *Pitt* said, there certainly was a great deal well worth attending to in what had fallen from the right hon. gentleman, and from the worthy alderman, and he hoped that he had listened to neither in vain; but he could on no account consent to the idea, that they had any right whatever to interfere with the foreign trade of Ireland: it was not the business of the propositions; the aim and object of which went clearly to the providing proper guards and securities for the future regulation of our commerce and navigation with our own colonies.

After some further conversation, Mr. Eden withdrew his amendment for the present. The sixth Resolution being put,

Mr. *D. P. Coke* said, he had received

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instructions from his constituents at Nottingham, to oppose the propositions: and, as he did not wish to interrupt other gentlemen, when they were desirous of speaking, he had waited several days for an opportunity, and had some thoughts of moving for Mr. Taylor to quit the chair, as what he wished to move farther, could not be properly done but in the House. Mr. Coke having said this, proceeded to state, that there was a petition on the table from a large number of his constituents, who were concerned in the manufactory of stockings, of various descriptions; assigned a reason for their having declined appearing at the bar of the House by themselves and their counsel, to be heard in support of their petition; and went into a relation of the grounds of their apprehensions, that the propositions would materially affect their interests. He entered into a brief history of the causes which had enabled the Nottingham manufacturers of stockings, to make silk stockings considerably cheaper than they could be made either in London or in Dublin. He next assigned the ground on which his constituents had felt alarm: the principal reasons were, the cheaper price in Ireland, of silk, of labour, and of food, &c. He assured the House, that those of his constituents in whose behalf he was addressing them, were a most numerous and respectable description of persons; that they were actuated by no factious motives; a truth sufficiently evident from their consisting of the whole body of Nottingham stocking manufacturers, comprehending amongst them many persons of very different political sentiment. Mr. Coke read a motion to the committee, which he said he would take an opportunity of stating to the House: the purport of it was, "That the farther consideration of the Irish propositions be adjourned till the next session, or until the House shall have heard from Ireland, whether she will be satisfied with the resolutions and their various amendments or not."

Mr. *Robert Smith* said, though he was generally better pleased to listen to the opinions of other gentlemen than to trouble the House with any of his own, yet he could not resist the inclination he felt to intrude on the committee with a few remarks upon what had fallen from his hon. friend; and he was the rather inclined to do it, because, considering the misfortune he had been under, and he thought it a very great one, of disagreeing conscientiously, and upon principle, with several of his constituents upon that question, he thought the House would expect a few words from him some time or other in the course of the inquiry. When he had presented the petition upon that subject to the House, he had very fully and anxiously considered the effect of the propositions; and, as far as it then appeared to him, he had expressed his opinion that they would not affect the manufactures of Nottingham. He had since had a long correspondence with the committee of manufacturers; and he was sorry to find, that the reasons which he had fancied would have changed their opinions, had not done it, but that their objections remained in full force: at the same time he must say, that the discussion had converted his own doubts into certainties; and with that irresistible force which a long and serious discussion brings upon the mind, that he was now able to give it as his decided opinion, that the propositions would not injure the manufactures of Nottingham.—The greatest mortification he had suffered in the course of the business had been, that the committee of manufacturers had not thought it proper to avail themselves of the liberty he had solicited for them of appearing at the bar in support of their allegations. Without meaning to arraign that decision, he could not help wishing the matter had been seriously discussed at the bar, and that the House might, as they had done in the case of other manufacturers, have attended in a solemn manner to the discussion of that point. He wished it to be remembered, because it was material to the present inquiry, that when the right hon. gentleman and his noble friend near him (Mr. Fox and lord North) had obtained for Ireland a free constitution, the first object of that free parliament was, to give Ireland a free foreign trade; by taking off all partial restrictions, and thereby enabling her to meet us in all the markets of Europe with every advantage she could boast, of cheapness, of labour, and provisions, freedom from taxes, &c. Her intercourse, therefore, with other countries, being then, as it was at that moment, free and uncircumscribed, it was somewhere else than to her foreign trade that he must look for the dangers of the propositions. It could, therefore, be no where else but in the intercourse between the two countries; and in order to see that, it would be necessary to examine in what manner the present intercourse subsisted, and how it

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would be altered by the Irish propositions. At present, this country might export all sorts of stockings to Ireland, paying certain duties; the importation of Irish stockings to England was altogether prohibited; the only alteration, therefore, made by these regulations was, that the prohibition should be taken off, and that the Irish should have the power of importing into this country, stockings upon the same terms that we sent them into Ireland.—The duties paid by this country on the exportation of stockings to Ireland, were 10 per cent. on thread and cotton stockings, 30 on worsted, and 40 on silk: the expense of freight, land carriage, insurance, &c. might amount to 3 per cent. more; therefore, as they now carried on a beneficial trade to Ireland in the articles of thread and cotton stockings, it was evident that they must at present manufacture 13 per cent. cheaper than the Irish did, or the Irish would supply themselves rather than purchase of them; as the Irish must pay the same duty here that our stocking manufacturers paid there, it was evident that the Irish must, in order to do that, manufacture 26 per cent. cheaper than they did at present. This argument was still stronger in the article of silk and worsted stockings, the duty on the exportation of worsted stockings to Ireland being 30 per cent. and on silk stockings 40 per cent. Now, though so high a duty certainly acted as a prohibition, yet what was remarkable was, that the greatest part of the silk stockings worn in Ireland were the manufacture of this country, much being smuggled from hence: and yet, notwithstanding that no duty was paid to the King, the manufacturer was not without additional expense, because he must give a compensation to the smuggler, which, he declared, he thought could not amount to less than 15 per cent. If, therefore, we actually supplied the consumption of Ireland with silk stockings at an addititional expense of 15 per cent., it was evident that the Irish must work 30 per cent. cheaper than they now did, before they could supply us in the same manner. If the injury to the manufactures of Nottingham were not in this way, it could be in no other; because, the foreign trade was as open to them as it ever would be. Mr. Smith answered Mr. Coke's statement, that labour, food, and lodging, were cheaper in Ireland than in England, by proving, from the evidence delivered at the bar, that though silk was imported at an easier duty into Ireland than into this country, yet, that, all circumstances considered, in the particular manufacture of stockings, they would be made cheaper at Nottinghan than in Ireland. The difference in the price of silk, owing to the drawback given to Ireland, gave them only an advantage in their own consumption, but did not give them a preference in the foreign market, because we gave an equal drawback to our own manufactured article; nor did it give Ireland an advantage in the trade with this country, because, in addition to the other duties, we were about to put a fresh duty, to countervail the difference of duty on the raw material in the two countries. But he should be told by the right hon. gentleman, that 10, 20, 30, or even 40 per cent. will not be prohibitory duties: nay, perhaps in the wildness and extravagance of assertion, the right hon. gentleman might tell him, as he did before, that even 1,000 would not be a prohibitory duty. As the right hon. gentleman gave no reason for such an opinion, he would not attempt to explain what he did not understand, but would leave the right hon. gentleman to solve his own paradox. The opposers of these propositions, driven from their arguments upon the ruin they would give our manufactures, by the introduction of similar ones from Ireland, stated he knew not what dangers to proceed from smuggling; and stated likewise, as a serious apprehension, that French silk stockings would, when the prohibition was taken off, come into this country through Ireland. Merely to state this, Mr. Smith said, would be sufficient to shew its absurdity. The French were to smuggle silk stockings into Ireland; for what? Why, to carry them across the country, afterwards to smuggle them into England; that was, to do that at a double risk and double expense, and, by a circuitous navigation, which they might do at one risk and one expense, by smuggling them from France to England. Now, though a smuggler might not possess common honesty, yet, as he generally possessed common sense, he did not believe that he could be prevailed upon to smuggle in this manner, to oppose the Irish propositions. Concluding, therefore, that neither in the home trade nor in the foreign trade could the Irish propositions affect his constituents, Mr. Smith urged the importance of the settlement with Ireland, and the satisfaction he felt that the

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manufactures of his constituents would not be sacrificed even to such an object. He thought it a very great misfortune to differ from his constituents, since no gentleman in that House could be under greater obligations to his constituents than he was to his. He possessed their confidence, enjoyed their friendship, and would have gone every length but the giving up his principles to have obliged them.

The Resolution was then agreed to. On the following day the remaining Resolutions were agreed to by the committee.

May 21. Mr. M. A. Taylor reported the said Resolutions to the House, and delivered them in at the clerk's table; where the same were read as follow:

1. "Resolved, That it is the opinion of this committee, that it is highly important to the general interests of the British empire, that the intercourse and commerce between Great Britain and Ireland should be finally regulated on permanent and equitable principles, for the mutual benefit of both countries.

2. "That a full participation of commercial advantages should be permanently secured to Ireland whenever a provision, equally permanent and secure, shall be made by the parliament of that kingdom towards defraying, in proportion to its growing prosperity, the necessary expenses, in time of peace, of protecting the trade and general interests of the empire.

3. "That, towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, except those of the growth, produce, or manufacture of any of the countries beyond the Cape of Good Hope to the Streights of Magellan, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties (if subject to duties), to which they would be liable when imported directly from the country or place from whence the same may have been imported into Great Britain or Ireland respectively, as the case may be; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters, not imported from the British colonies in the West Indies, shall be fully drawn back on exportation to the other; but nevertheless, that the duties shall continue to be protected and granted as at present, by withholding the drawback until a certificate, from the proper officers of the revenue in the kingdom to which the export may be made, shall be returned, and compared with the entry outwards.

4. "That it is highly important to the general interests of the British empire, that the laws for regulating trade and navigation should be the same in Great Britain and Ireland; and therefore, that it is essential towards carrying into effect the present settlement, that all laws which have been made, or shall be made, in Great Britain, for securing exclusive privileges to the ships and mariners of Great Britain, Ireland, and the British colonies and plantations, and for regulating and restraining the trade of the British colonies and plantations, such laws imposing the same restraints, and conferring the same benefits, on the subjects of both kingdoms, should be in force in Ireland by laws to be passed by the parliament of that kingdom for the same time, and in the same manner, as in Great Britain.

5. "That it is further essential to this settlement, that all goods and commodities of the growth, produce, or manufacture of British or foreign colonies in America or the West Indies, and the British or foreign settlements on the coast of Africa, imported into Ireland, should, on importation, be subject to the same duties and regulations as the like goods are, or from time to time shall be, subject to upon importation into Great Britain, or, if prohibited to be imported into Great Britain, shall be prohibited, in like manner, from being imported into Ireland.

6. "That, in order to prevent illicit practices injurious to the revenue and commerce of both kingdoms, it is expedient, that all goods, whether of the growth, produce, or manufacture of Great Britain or Ireland, or of any foreign country, which shall hereafter be imported into Great Britain from Ireland, or into Ireland from Great Britain, should be put, by laws to be passed in the parliaments of the two kingdoms, under the same regulations, with respect to bonds, cockets, and other instruments, to which the like goods are now subject in passing from one port of Great Britain to another.

7. "That, for the like purpose, it is also expedient, that when any goods, the growth, produce, or manufacture of the British West India islands, or any other

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of the British colonies or plantations, shall be shipped from Ireland for Great Britain, they should be accompanied with such original certificates of the revenue officers of the said colonies as shall be required by law on importation into Great Britain; and that, when the whole quantity included in one certificate shall not be shipped at any one time, the original certificate, properly indorsed as to quantity, should be sent with the first parcel; and, to identify the remainder, if shipped within a time to be limited, new certificates should be granted by the principal officers of the ports in Ireland, extracted from a register of the original documents, specifying the quantities before shipped from thence, by what vessels, and to what ports.

8. "That it is essential for carrying into effect the present settlement, that all goods exported from Ireland to the British colonies in the West Indies or in America, or to the British settlements on the coast of Africa, should from time to time be made liable to such duties and drawbacks, and put under such regulations, as may be necessary, in order that the same may not be exported with less incumbrance of duties or impositions than the like goods shall be burthened with when exported from Great Britain.

9. "That it is essential to the general commercial interests of the empire, that, so long as the parliament of this kingdom shall think it advisable that the commerce to the countries beyond the Cape of Good Hope to the Streights of Magellan, shall be carried on solely by an exclusive company, having liberty to import, into the port of London only, no goods of the growth, produce, or manufacture of the said countries should be allowed to be imported into Ireland but through Great Britain; and that it shall be lawful to export such goods, of the growth, produce, or manufacture of any of the countries beyond the Cape of Good Hope, to the Streights of Magellan, from Great Britain to Ireland, with the same duties retained thereon as are now retained on their being exported to that kingdom; but that an account shall be kept of the duties retained and not drawn back on the said goods exported to Ireland, and that the amount thereof shall be remitted, by the receiver-general of his Majesty's customs in Great Britain, to the proper officer of the revenue in Ireland, to be placed to the account of his Majesty's revenue there, subject to the disposal of the parliament of that kingdom; and that the ships going from Great Britain to any of the said countries beyond the Cape of Good Hope to the Streights of Magellan, should not be restrained from touching at any of the ports in Ireland, and taking on board there any of the goods of the growth, produce, or manufacture of that kingdom; and that no ships be allowed to clear out from Ireland for any of the said countries but such ships as shall be freighted by the said company, and which shall have sailed from the port of London: and that, whenever the commerce to the said country shall cease to be so carried on, solely, by such an exclusive company, the goods, the growth, produce, or manufacture of the said countries beyond the Cape of Good Hope to the Streights of Magellan, should be importable into Ireland from the same countries from which they may be importable into Great Britain, and no other.

10. "That no prohibition should exist in either country, against the importation, use, or sale of any article, the growth, produce, or manufacture of the other, except such as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits, and except such qualified prohibitions at present contained in any act of the British or Irish parliaments as do not absolutely prevent the importation of goods or manufactures, or materials of manufactures, but only regulate the weight, the size, the packages, or other particular circumstances, or prescribe the built, or country, and dimensions of the ships importing the same, and also except on ammunition, arms, gunpowder, and other utensils of war, importable only by virtue of his Majesty's licence; and that the duty on the importation of every such article (if subject to duty in either country) should be precisely the same in the one country as in the other, except where an addition may be necessary in either country, in consequence of an internal duty on any such article of its own consumption, or an internal bounty in the country where such article is grown, produced, or manufactured, and except such duties as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits.

11. "That, in all cases where the duties on articles of the growth, produce, or manufacture of either country are different on the importation into the other, it is

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expedient that they should be reduced in the kingdom where they are the highest, to an amount not exceeding the amount payable in the other, so that the same shall not be less than 10½ per cent. where any article was charged with a duty on importation into Ireland of 10½ per cent. or upwards, previous to the 17th day of May, 1782; and that all such articles should be exportable from the kingdom into which they shall be imported as free from duties as the similar commodities, or home manufacture, of the same kingdom.

12. "That it is also proper, that, in all cases where the articles of the consumption of either kingdom shall be charged with an internal duty on the manufacture, the same manufacture, when imported from the other, may be charged with a farther duty on importation, adequate to countervail the internal duty on the manufacture (except in the case of beer imported into Ireland, as far as relates to the duties now charged thereon) such farther duty to continue so long only as the internal consumption shall be charged with duty or duties to balance which it shall be imposed; and that, where there is a duty on the raw material of any manufacture in one kingdom greater than the duty on the like raw material in the other, such manufacture may, on its importation into the other kingdom, be charged with such a countervailing duty as may be sufficient to subject the same, so imported, to burthens adequate to those which the manufacture, composed of the like raw material, is subject to, in consequence of duties on such material in the kingdom into which such manufacture is so imported; and the said manufacture, so imported, shall be entitled to such drawbacks or bounties, on exportation, as may leave the same subject to no heavier burthen than the home-made manufacture.

13. "That, in order to give permanency to the settlement now intended to be established, it is necessary that no new or additional duties should be hereafter imposed in either kingdom on the importation of any article of the growth, produce, or manufacture of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution, or in consequence of bounties remaining on such article when exported from the other kingdom.

14. "That, for the same purpose, it is necessary, farther, that no prohibition, or new or additional duties, should be hereafter imposed in either kingdom on the exportation of any article of native growth, produce, or manufacture, from the one kingdom to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits.

15. "That, for the same purpose, it is necessary, that no bounties whatsoever should be paid, or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, and except also the bounties at present given by Great Britain on beer and spirits distilled from corn, and such as are in the nature of drawbacks or compensations for duties paid; and that no bounties should be payable on the exportation of any article to any British colonies or plantations, or to the British settlements on the coast of Africa, or on the exportation of any article imported from the British plantations, or from the British settlements on the coast of Africa, or British settlements in the East Indies, or any manufacture made of such article, unless in cases where a similar bounty is payable in Great Britain on exportation from thence, or where such bounty is merely in the nature of a drawback, or compensation of or for duties paid over and above any duties paid thereon in Great Britain; and that, where any internal bounty shall be given in either kingdom on any goods manufactured therein, and shall remain on such goods when exported, a countervailing duty adequate thereto may be laid upon the importation of the said goods into the other kingdom.

16. "That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign countries should be regulated, from time to time, in each kingdom, on such terms as may effectually favour the importation of similar articles of the growth, produce, or manufacture of the other; except in the case of materials of manufacture, which are, or hereafter may be allowed to be imported from foreign countries, duty free; and that, in all cases where any articles are, or may be subject to higher duties on importation into this kingdom from the countries belonging to any of the states of North America, than the like goods are or may be subject to when imported as the growth, produce, or manufacture of the British colonies and plantations, or as the

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produce of the fisheries carried on by British subjects, such articles shall be subject to the same duties on importation into Ireland, from the countries belonging to any of the states of North America, as the same are or may be subject to on importation from the said countries into this kingdom.

17. "That it is expedient, that such privileges of printing and vending books, as are or may be legally possessed within Great Britain, under the grant of the Crown or otherwise, and the copy-rights of the authors and booksellers of Great Britain, should continue to be protected in the manner they are at present by the laws of Great Britain; and that it is just that measures should be taken, by the parliament of Ireland, for giving the like protection to the copy-rights of the authors and booksellers of that kingdom.

18. "That it is expedient, that regulations should be adopted, with respect to patents to be hereafter granted for the encouragement of new inventions, so that the rights, privileges, and restrictions, therein granted and contained, shall be of equal force and duration throughout Great Britain and Ireland.

19. "That it is expedient, that measures should be taken to prevent disputes touching the exercise of the right of the inhabitants of each kingdom to fish on the coasts of any part of the British dominions.

20. "That the appropriation of whatever sum the gross hereditary revenue of the kingdom of Ireland (the due collection thereof being secured by permanent provisions) shall produce, after deducting all drawbacks, repayments, or bounties granted in the nature of drawbacks, over and above the sum of 656,000*l.* in each year, towards the support of the naval force of the empire, to be applied in such manner as the parliament of Ireland shall direct, by an act to be passed for that purpose, will be a satisfactory provision proportioned to the growing prosperity of that kingdom, towards defraying, in time of peace, the necessary expenses of protecting the trade and general interests of the empire."

May 30. Mr. *Pitt* moved the order of the day for taking into consideration the report of the said Resolutions. He said, it would, he presumed, be advisable for them to adjust the order of their proceeding previous to their going into the business. He wished therefore to know, whether it would be most agreeable to take the general debate then, or to go on with the resolutions one after another, admitting or rejecting such amendments as should be offered.

Mr. *Minchin* said, he meant to move, that the farther consideration of the report be adjourned till that day three months; but whether his motion was received then, and the debate taken upon it, or whether it was moved after going through the resolutions, was a matter of perfect indifference to him.

Lord *North* conceived that to be the fit period to admit the debate, as there would be no other stage to take it at on a general question, but the final one, "That these Resolutions be carried up to the Lords."

The *Speaker* said, undoubtedly the present was the proper time for taking the debate.

Mr. *Minchin* then rose to make his promised motion. He began with disavowing any thing like a party motive on the subject. What property he had was, he said, pretty equally divided between the two kingdoms; it would, therefore, be very extraordinary for him not to feel with an equal degree of anxiety for the welfare of both countries. He had daily attended the numerous debates and conversations that had taken place, but had not given a single vote on any; and the reason was, because it had not been in his power to understand the resolutions. No man loved to stand distinguished for his dullness of apprehension; he therefore was happy to be able to say, he by no means stood alone in the predicament he had described. A great many persons, not only of better capacities than he laid claim to, but men of undoubted abilities, stood in the same situation with himself; nay, he believed, he might fairly go farther, and declare, that the bulk of the people were equally ignorant with him of the true scope and meaning of all the resolutions. How cruel, then, would it be, to call upon him, circumstanced as he described himself to be, to come to a decisive vote upon a subject of such infinite importance! Among the various petitions that had been presented, those from the manufacturers, stating their terrors lest their private interests should be injured, were those, he made no scruple to acknowledge, that he paid the least regard to. He would go farther: he did not believe there was much foundation for any such alarms. But there were other petitions, the style of

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which was more moderate, and the prayer more prudent, to which he did pay very great attention; he meant, the petitions for time: he thought there was great wisdom in such a requisition; and to the petitioners he desired to add his feeble voice. He begged most earnestly for more time. Let the House recollect to what extent a vote upon so great a subject would go: it would close the scene irrevocably on this country and seal its doom! With that awful impression on his mind, was it to be wondered at, that he should earnestly implore for more time? What he wished was, that the farther consideration of the resolutions might be put off till next session. It might possibly be urged, that the resolutions had been five months before the House; but such an assertion he begged leave. to deny; they had not been five weeks, nor yet five days on their table: but neither five months, nor five times five months, were sufficient for the examination of so weighty and so important a consideration. The union with Scotland had not been hurried on with such indecent haste. Though a work of infinitely less importance, the ministers of those days (as wise ministers, perhaps, as ever held the reins of government) allowed two years to parliament before they called for a vote upon the subject: why not allow more time now than the short period that had elapsed? Let it not be thought, by asking for time, that he wished to deny Ireland all this country could grant: he was persuaded the prosperity of Ireland would be the prosperity of Great Britain; and that Ireland, ever loyal, affectionate, and zealous for our interests, deserved every favour and advantage that could be granted with safety to the great and important interests of the empire. Nor did he mean to say, that the resolutions voted in the committee might not be made the basis of a permanent treaty conducive to the mutual harmony and happiness of both countries; undoubtedly they might; strengthened, explained, and meliorated, by amendments and regulations of a different nature. What he would humbly suggest was, that the farther consideration of the resolutions be adjourned at least till the next session; that proper persons, members of parliament and others, be appointed on the part of the two kingdoms, to inquire into what would best conduce to the true interests of each; that those persons assiduously conduct their investigation during the recess; and that parliament be called together as early as possible, to receive the result of the inquiry; and then, with good ground to tread on, and certain information before them, proceed to construct a solid and permanent temple, sacred to the concord and commerce of the two countries. If, instead of acting with that necessary precaution, the right hon. gentleman rashly insisted on raising a building on a sandy foundation, it would be torn up by the first blast, and blown to atoms. Let the right hon. gentleman recollect, that he had many years to look forward to; they would afford him joy or regret exactly as he acted on the present occasion: a false step in such a business, through too great a degree of eagerness and precipitation, could never be retrieved. Mr. Minchin concluded with moving, "That the Resolutions be taken into consideration that day three months."

Mr. *D. P. Coke* seconded the motion, and urged the necessity of this country first obtaining the consent of Ireland before she went farther. He stated the great inequality on which the two countries were proceeding, and said, there was one thing suggested by the hon. gentleman that he did not approve, and that was, the appointing commissioners to consist of members of parliament and others to treat with commissioners of Ireland. His great objection was, that there were already 40,000 commissioners in Ireland ready to treat on her part. He stated a conversation he lately had upon the subject with an ingenious and sensible man: he had said, these resolutions would not prove an ultimatum to Ireland: there was one thing more that she would likewise wish; she would be a fool if she did not demand it, and it was now obvious that Ireland had only to ask and have; he meant, they would desire that the King should live one year out of three in Dublin. The consequence would be, all our merchants and manufacturers would go there; and, once in the country, there they would remain. Mr. Coke descanted on this, but praised the forbearance of Ireland, declaring, he relied more on her moderation, circumstanced as she was, than on our prudence. He saw no wisdom in the councils of Great Britain; he looked for it in the councils of Ireland. He wished therefore to know, before we proceeded further, whether the resolutions would prove satisfactory to Ireland.

Mr. *Fox* reminded the House, how

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much the resolutions had been altered, and how very, very different they stood now to what they had stood originally. A stronger proof need not be adduced that their confidence had been ill placed; and it was plain, the right hon. gentleman was now convinced, that the form in which the resolutions stood, when he first called on his friends to vote them, had appeared to him to be exceedingly incomplete and improper to pass. Mr. Fox argued upon the complicated nature of the resolutions, their number, the great variety of important objects which they embraced, and the serious consequences they might lead to, as reasons that ought to induce the House to accede to the motion.

Mr. *Brickdale* was also an advocate for time, and stated the extreme satisfaction it would afford his constituents, if the House were not hurried to an immediate decision.

Mr. *Harrison* spoke on the same side, and urged the necessity of their meeting their constituents, and talking over the subject with them before they decided on a matter so deeply interesting to the whole empire.

Mr. *Taylor*, on the contrary, pressed the House to take them into consideration then, while the evidence they had heard at their bar, and the numerous debates that had taken place, were fresh in their minds, and they had it in their power to assist their recollection. He said, that for his part, if he were allowed five years to consider and revolve what had past lately, he could not make up his mind more completely upon the subject than he had already done. A great deal of matter well worth attending to, had been started by gentlemen on the other side of the House, and most ably had they argued it: the consequence was, he was as ready to vote the resolution that hour, as he could be at any future moment of his life.

The House divided: Yeas, 40; Noes, 87.

The resolutions were then read one by one. When the clerk came to the second, viz. "That a full participation of commercial advantages should be permanently secured to Ireland, whenever a provision equally permanent and secure shall be made by the parliament of that kingdom towards defraying, in proportion to its growing prosperity, the necessary expenses in time of peace, of protecting the trade and general interests of the empire,"

Mr. *Pelham* said, that notwithstanding the little success that had attended an amendment he had moved in the committee, to this proposition, for giving security to the revenue of this country, he would move the same amendment in the House that had been lost in the committee. In the single article relative to East India commerce, the revenue of England would lose about 60,000*l.* a year, by the permission which it was intended the Company's ships should have in future to take in part of their cargoes in Ireland, from doing which they were restrained at present. This was no trifling consideration in the present state of the revenue; and therefore he thought it his duty to take care, that it should not undergo any diminution. He was then going to state his amendment, when

Mr. *W. W. Grenville* rose. He said, that he had an amendment to propose, which, in point of propriety, ought to come in before that which the right hon. gentleman intended to move; and should it be carried, he believed it would render the proposal of such an amendment absolutely unnecessary, or rather improper. When the committee resisted the amendment that had been proposed by the right hon. gentleman, it was because it would make the Irish think, there was some intention to do away by restraints, not only not foreseen, but by no means necessary, the participation of commercial advantages that parliament was about to grant them; and on the other hand, the amendment was in itself inadmissible, because it was not founded on the evidence that had been given at the bar: at present, the House, after having maturely weighed the evidence, might fairly come to a decision on points that were not sufficiently clear to justify a vote sooner. He proposed then, that the first line of the resolution, viz. "That after the word 'that' and before the word 'full', the words 'it is consistent with the essential interests of the manufactures, revenue, commerce, and navigation of Great Britain that' be inserted."

Mr. *Fox* could not help observing, that the proposition now laid down in the amendment, was false in point of fact; for every man must know, that whatever Ireland would gain by the shipping of goods to the East Indies, for instance, would be a loss, *pro tanto*, to the revenue of this country.

The amendment was carried without opposition.

Mr. *Sheridan* observed that the latter part of the resolution appeared to him very

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objectionable; inasmuch as it went to tie Ireland down to a specific provision for the support of the navy, which in all probability would in the end prove much less beneficial to this country, than if parliament had trusted to the generosity and liberality of Ireland. This part was objectionable on more accounts than one: in the first place, the provision was to be secured in time of peace only, so that in war, Ireland might stand neuter: he would suppose, however, that it was expected, that in time of war, that country would make exertions in favour of this; the consequence of course was, that in this instance, England, instead of stipulating for any specific assistance, relied entirely upon the generosity of Ireland. Why, then, should there not be the same reliance in time of peace? Why should there exist an appearance of distrust? Why make Ireland fancy she had room to think, that whilst England, by not having her power diverted by foreign war, felt herself able to insist upon treaties, would stipulate for certain services, but would not speak of stipulations for assistance in war; as if conscious, that in such a case, she should not be able to enforce the observance of the stipulation? It were folly indeed to expect, that Ireland, accustomed during peace to act according to the letter of a specific agreement, and with a friend who placed no confidence in her, should, in time of war, act upon principles of liberality. The way to obtain liberal succours at all events was, at no time to betray marks of diffidence in the honour and generosity of those we had to deal with. The Irish, when they saw limits placed to the confidence that ought to be reposed in them, would naturally set bounds to their own generosity, and never exceed in their grants the letter of their agreement with this country. But this stipulation for a specific provision from Ireland, under the regulation marked out in the restriction, was not, in his opinion, less unconstitutional than impolitic. The constitution of Ireland was the same as that of England; and what would violate one, would, of course, amount to a violation of the other. In England, a vote of a perpetual army, or even of a perpetual navy, over which parliament was to have no control, would effectually destroy the constitution, and render the parliament unnecessary. Now, what was proposed to Ireland? Nothing less than that she should vote, or give by an irrevocable act to the Crown, a specific sum of money, for the support of either army or navy; and consequently an army, or body of seamen, might be employed, not only without the consent of parliament, but even in spite of it. He was right in assuming, that seamen or soldiers might be employed constantly, and paid out of this perpetual and irrevocable fund, which would render the Crown independent of the people; because, though the right hon. gentleman (Mr. Pitt) had said, on a former occasion, that the money arising from the surplus of the sinking fund, should be laid out in Ireland, in purchase of provisions, &c. for the use of the navy, yet it might so happen, that Ireland would not always be a provision country, which she certainly would not, if by the present plan she should so improve in manufactures, as to turn her thoughts to them from feeding of cattle. In that case, the money if laid out in that country must be expended in the maintenance of soldiers or sailors, and then there would exist a body of men over whom the parliament could have no control; the extent of the numbers made nothing to the principle, which would be as much violated by a vote in perpetuity of a support of three regiments of guards, as for a perpetual army. He concluded by moving an amendment, by leaving out from the word "Ireland" to the end of the Resolution, in order to insert the words, "Great Britain confiding in the experienced good faith, honour, and generosity of Ireland, that in proportion to her growing prosperity, she will continue to contribute, both in time of peace and war, to the protection of the general interests of the empire," instead thereof.

Mr. *Eden* said, that Mr. Grenville's amendment would be downright nonsense, if the one just moved was not adopted; for the whole proposition, as it now stood, consisted of two parts, between which there was not the least connexion. He had from the beginning thought an amendment so necessary in this place, that he would have moved one himself, had not his hon. friend anticipated him.

Lord *North* said, he would make no difficulty in defending the principle of justice in making a bargain between the countries, by which one was to give some consideration for benefits communicated by the other; but he would not defend exactly this bargain, which seemed to be so framed as to have neither the grace of a free gift nor the prudence of a judicious compact.

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He had said, on a former day, that though reciprocity was declared to be the basis of the agreement, yet it was to be found only on one side: since that, indeed, two alterations had been made, which he was ready to confess, had made it a little more reciprocal, for the East and West India monopolies were to be preserved; but gentlemen on the other side of the House had, some days ago, expressed a degree of surprise, that he had overlooked one circumstance, which was peculiarly advantageous to this country, and was to compensate for all the heedless concessions that had been hitherto made to Ireland; and this was the circumstance relative to the surplus of the hereditary revenue, which was in future to be appropriated to the support of the navy. Upon this surplus he would beg leave to say a few words. The resolution was so inexplicit, that notwithstanding all he had heard on the subject, he was not yet able to form a reasonable hope, that we should derive much benefit from the hereditary revenue. It did not state whether or not this hereditary revenue was to be applied in the first place towards the support of the civil and military establishments of Ireland; and that the temporary revenues should then be brought in aid of the hereditary. If the former was the case, then he would pronounce, that we should never see any surplus at all from the hereditary revenue. He knew that the manner of stating the public accounts in the Irish parliament, was to begin with the hereditary revenue, which having been granted for the defence of the kingdom, was, of course, applied to that purpose; being insufficient for this end, then the temporary revenues were brought in aid of it, and thus a provision would be made for the whole: but gentlemen would see, that no surplus could possibly arise out of a fund which was to be wholly applied to the service of the public before any other fund was opened. But he would suppose that the hereditary revenue was to be resorted to in Ireland, in the second instance, after the other funds had been previously exhausted; and yet he would endeavour to convince the House that little or no surplus would arise from it; and in forming a judgment upon this point, he could not have a better guide than the experience of past time. He had read a work of a very experienced commissioner of the revenue in Ireland some years ago, he meant sir Richard Cox, who had given in it a very accurate account of the state of the hereditary revenue, from which the House might be able to conjecture, upon what grounds had been formed the sanguine hopes entertained by gentlemen on the other side of the House, of a very great increase in that fund. The duties on customs inward had amounted in 1684, together with ale licences, to 87,000*l.*; in 1784, they amounted to no more than 86,000*l.*; and yet the population of the kingdom had increased within the century from one million to two millions three hundred thousand. The quit rents would never be more than at present, unless the island could be made larger. The hearth-money tax might certainly increase, for it depended upon population, and had been exactly doubled in 100 years. But the customs inward, as well as some other branches of the hereditary revenue, would diminish instead of increasing, if the Irish should become so expert in manufactures as to be able to supply themselves at home with those commodities, which they now take from this and other countries, and which pay a duty on importation. Another thing to be considered was, whether the proposition meant, that whenever the gross produce of the hereditary revenue should amount to 656,000*l.* the surplus should be laid out for the use of the navy; or whether this surplus was to be given when the net produce should amount to that sum. If the latter was meant by it, he would undertake to say, we should never see any surplus at all; for the deduction for charges on this revenue was 159,000*l.*; so that the net produce at this moment was precisely 497,000*l.*, and must increase therefore 159,000*l.* before we could begin to look for a single farthing of surplus. If, on the other hand, the resolution meant, that when the gross produce amounted to 656,000*l.* all above that sum should be applied to the service of the navy, without any regard to the establishments, he could foresee difficulties, that he could best explain by giving a history of the origin of the hereditary revenue. It took its rise immediately after the restoration of king Charles 2. After the great Irish rebellion of 1641, immense tracts of land were forfeited by the ancient Irish proprietors, and were afterwards occupied by Cromwell's soldiers and others; but whether in the hands of Irish rebels, or of English rebels, those forfeitures were not less the property of the Crown. However, by the famous Act of Settlement, and the

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subsequent Act for explaining it, the English rebels were secured in the possession and enjoyment of those lands; and in return for this generous conduct of the Crown, and the relinquishment of wards, liveries, and such feudal rights, they settled upon the king and his heirs, certain revenues, which, together with small quit rents, reserved by the Crown, form, at this day, the hereditary income of the king of Ireland.

Those grants were so liberal and so productive, that parliaments ceased to be necessary there; and Charles 2. never held another in Ireland during his whole reign. The Irish felt the error they had been guilty of in settling so great an income on the Crown as rendered it independent of parliament; and the hereditary revenue soon became an object of jealousy, not to say detestation, to the people. The debt contracted at the Revolution afforded them an opportunity of proving this; in providing for the payment of that debt, they laid on additional duties of customs and excise; but they would not impose them for more than two years, in order that the Crown should be under the necessity of calling the parliament together again, before the expiration of the two years: this policy had the desired effect; and the Commons had persevered in it from that day to this, with a difference of late, that the session being annual, the grants of money are only from one year to another. The hereditary revenue had, since the Revolution, been a subject of jealousy and terror to the parliament; insomuch that, so far from endeavouring to improve it, they never missed an opportunity to throw charges upon it, to bear it down: however, in 1751, there was in the Exchequer of Ireland a surplus of 400,000*l.*; this, instead of being matter of joy, was the cause of general consternation throughout the kingdom: it was feared the Crown was become so rich, that it could pay off the debt that was then on the nation, and, having no farther occasion for the annual grants, would call no more parliaments. The alarm was universal. "Good God, the Crown out of debt!" was the general cry. "What's to become of us?" said the parliament, "and what farther employment is there for me?" exclaimed the politician. In short, the terror and dismay were indescribable. There was a question in that year of disposing of this surplus of 400,000*l.*; and a Bill was brought into parliament for that purpose: the preamble was to this effect; "Whereas his Majesty has signified his consent, that the surplus now in the Exchequer, &c. be disposed of," &c. The zealous patriots took fire at the word 'consent,' though it had been inserted in two other acts before that, on similar occasions: they said the King had a right to give his assent to that Bill as well as to any other; but that he had no right to give his consent; which latter term implied, that the subject could not be so much as discussed, or made the substance of a Bill, without the previous consent of the Crown, as in the case of private grants. This was the ground of a great struggle in the Commons; where the most formidable opposition ever known in Ireland, was made against this word 'consent:' the opposition triumphed; the word 'consent' was struck out of the Bill, which dropped on that account, its friends having no regard for it after it had lost the magical word. The triumph of opposition set Ireland in a blaze; nothing but bonfires and illuminations were to be seen from one end of the kingdom to the other, and 'the glorious 122' (the numbers on the winning side upon the division) was the first toast at every table. Here was a proof how much this hereditary revenue was formidable to the Irish; and he was very far from blaming them for viewing it with a jealous eye; but he only observed this, in order to shew the House, that it was not a favourite fund with them, and therefore, that there was reason to apprehend, that they would rather crush, than encourage and increase it; and therefore, that very little hope was to be entertained, that it would ever be suffered (from constitutional jealousy) to produce a surplus.

There was another point on which he found the proposition relative to the hereditary revenue very inexplicit: it did not say, whether or not the surplus arising from it should be applied to the purposes of the navy, even though the other branches of the Irish revenue should be so unproductive, in any one year or period of years, as not to be sufficient for the support of the civil and military establishments of Ireland. In such a case, he, for one, would be very sorry to touch a farthing of the surplus; because, the benefit that would be derived from it would be insignificant indeed, when compared to the substantial loss the empire would sustain, if Ireland should cease to be able to keep in her pay the 3,000 men she con-

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stantly lent this country to defend the West India islands, and the other colonies. At the rate the hereditary revenue had produced surplusses for some years past, we might possibly see three or four frigates provided with pickled pork and biscuits by Ireland; and for this trifling advantage, we would disable her from paying the 3,000 men she had constantly lent us, with honour to herself and the greatest advantage to the empire.

Thus much he had thought it his duty to say respecting the hereditary revenue, that gentlemen might not be led away with the ridiculous idea, that the surplus that might be obtained from it, would be any adequate compensation for the participation of trade which it was now proposed to extend to Ireland; and yet the Chancellor of the Exchequer had been pleased, on former occasions, triumphantly to say, that others who had gone before him, had given away the trade of the country without securing any benefit in return; but that he had taken care to stipulate, that a fund should be set apart for the support of the marine strength of the empire. This reminded him, he said, of Voltaire's account of an unfortunate man, who had lost a leg and an arm in one place, had his nose cut off and his eyes put out in another—had been hung up and cut down in a third, had been imprisoned by the Inquisition, and condemned to be burnt, and at last found himself chained to the oar as a galley slave, and who nevertheless consoled himself with saying, 'Thank God for all I have suffered; I should not otherwise have known the luxury of eating orange chips and pistachio nuts in the harbour of Constantinople.' The right hon. gentleman complained, that so much had been given by his predecessors, that nothing was now left for him to give but the British market; and then away were manufactures, revenue, capital, industry, and population, given to Ireland, from whom the right hon. gentleman was to get in return the pistachio nuts of hereditary surplus. His lordship declared, he should concur in his hon. friend's amendment, because he was convinced, that more might be depended upon from the affection, honour, and generosity of Ireland, than could be expected to result from any terms stipulated by bargain and contract.

Mr. *Dundas*, before he went minutely into the question, would beg the House to bear in mind, that when the principle of the compensation on the part of Ireland was objected to, in all the former proceedings on making concessions to Ireland, it was the universal ground of objection, that Ireland did not bear any proportion of the expenses incurred in the expenditure for the general protection of the empire. To remove the repetition of this objection was the foundation of the present proposition; and Ireland was willing to shew, that she did not demand a participation of our commercial advantages, without contributing in an adequate proportion to the expenses incurred in defence of them. What this proportion was, and whether it was to be given up in an eligible manner, remained now to be examined. It was not very reasonable to expect, that Ireland should, in former times, have appropriated any particular part of her revenue for naval purposes. One great source of wealth was denied them in the colonial trade; which they considered as a peculium of the British commerce, from the benefits of which they were entirely excluded: the contrary was now the case; and while she obtained equal advantage, she was ever ready to partake of the burthen; and while a specific appropriation should be made for public purposes, there was no exclusion of the exercise of generosity and liberality in the Irish parliament, whenever the unforeseen events, or the natural contingencies of a war might call for it. It was not proposed immediately to disprove the calculations of the produce of the hereditary revenue of Ireland, as laid down by the noble lord (North) for a certain period of years, in order to shew, that the increase of the revenue did not keep pace with the population: but he had a Report of the commissioners of the revenue, given in by the noble lord himself, in the year 1780, from which he would infer, that the increase of the hereditary revenue, at least, bore an exact proportion to the increasing opulence of the country. He said it was a phenomenon in politics, and not the less true, that population and revenue did not increase together, nor was it confined to Ireland: in the highlands of Scotland, it was remarkable, that the barren hills were covered with inhabitants; and yet, astonishing as it was, neither the poverty of their situation, nor the scarcity of food, produced any diminution of numbers. If any gentleman would take the trouble of travelling to these parts, he would find these circum-

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stances to be true. These poor people, as well as those of Ireland, many of whom he believed to be in a similar predicament, added very little to the produce of the public revenue; but the case would be quite different, when the introduction and extension of trade and commerce should add their assistance to the industrious part of the community: and here he wished at once to object to the allegation, that any extension of their trade made to Ireland, would be a diminution of the power and wealth of England. The principle of the present arrangement was, to cement and consolidate the interests of both countries; so that an addition to the opulence of the one, would be also an acquisition to the other: commerce would in both countries find a level; and the interests of both being united, must bring advantages to both from every increase of opulence. He did not see any reason for apprehending, either that there was ground of jealousy for the Irish parliament on the one hand, or that the revenue was in danger of being diminished by bounties and drawbacks on the other. To the first he would say, that the proposal came from the Irish parliament voluntarily; and to the other, that the drawback could only be given on articles which on importation had paid the money which was to be returned; so that, at all events, the revenue could not lose. On the whole, he concluded, that the hereditary revenue must increase with the opulence of the country; and that increasing opulence, so far from diminishing the power and wealth of England, would tend very much to add to it.

Sir *James Erskine*, after ironically complimenting the House on the accession of information they had derived from the speech of the right hon. gentleman who spoke last, deprecated the imputations which were liberally ascribed to those on his side of the House, of endeavouring to foment jealousies, and promote dissatisfaction whenever they advanced such arguments as facts and the justice of those opinions entitled them to use. For his part, he was ready to say, that Ireland would have ample ground of jealousy, in circumscribing the merit of exerting that spirit and liberality of contribution so frequently manifested on public occasions. The right hon. gentleman had said, that Ireland, considering the British colonies as a peculium of this country, was justified in not contributing to the support of places from which she derived no advantage, and by that very assertion exposed himself to this reply—That if Ireland, notwithstanding that exemption she had a right to claim, did nevertheless contribute both with her blood and treasure to assist our operations in America, how much more should we in future rely on them for support and assistance, when their interest and ours were so much united? It was in the recollection of every person, that in the distress of our navy, Ireland generously voted us 20,000 seamen; and though there was an express act of parliament that she should keep up 12,000 troops for her internal defence, she allowed 5,000 of the best disciplined and most experienced of them to serve abroad, at her own expense, in the defence of Britain: and what added considerably to the merit of this transaction was, that Ireland had not remaining, after that loan, 2,000 effective infantry. This was a circumstance, which his situation at that time enabled him peculiarly to know; these were acts which Ireland might always be depended upon to perform voluntarily; but the present provision implying distrust, it was natural that they should return it hy adhering strictly to the terms of the bargain. The experience of history had shewn that Ireland always manifested a jealousy on the subject of the hereditary revenue; and taking the argument in any point of view, their provision in the present system must be a bad one: for the revenue either would increase with the opulence of the country, or it would not. If it should increase, then the parliament of Ireland would have the greater reason to be jealous of having so considerable a sum under the control of a foreign legislature, and employed for military purposes. If it should not be productive, then was it an inadequate compensation to this country for the participation of its commercial resources. On this occasion it was to be apprehended, that Irish freedom was the purchase to which the interests of England were sacrificed. He liked neither the purchase nor the terms; he neither wished us to resign our dear-bought commercial advantages, nor to infringe upon the liberties of others. He observed, that it was allowed as a great merit by the minister, that he received the concurrence of the Irish parliament before the propositions were introduced here; but did he think the parliament of Ireland would be satisfied with that contemptuous and disgraceful treatment they would receive, in hav-

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ing resolutions first proposed by a British minister in Ireland, and returned from England totally differing both in spirit and principle? Under such circumstances, the best apology that could be made was, that the minister in Ireland and the minister here totally misunderstood each other; unless it could, on the other hand, be imagined, that they were of different opinions. He concluded, by recommending to have this provision wholly omitted.

Mr. Sheridan's Amendment was negatived; after which, the Resolution passed.

On putting the fourth Resolution,

Lord *Beauchamp* declared, that although he cordially voted for the system before the House, so far as it professed to admit Ireland to a full share of commercial advantages, he could not assent to this new and extraordinary resolution, as he conceived it to be highly material in the adjustment of the future intercourse between the two kingdoms, that no suspicions might be entertained by the Irish, that under the specious pretence of commercial benefits, which might or might not be realized, the British parliament wished to deprive them of the solid benefits of a free constitution. That this resolution avowed upon the face of it, that one power must exist to regulate the external concerns of the whole empire; that gentlemen ought to recollect, that this is the principle which Ireland has solemnly pledged herself to resist, and which the British parliament has, by an act of equal solemnity, stipulated never to revive. He reminded the House, that that necessary measure seemed to meet with the general concurrence of all parties; that it was impossible the noble lord in the blue ribbon could object to it, because he was the founder of the present liberal system with regard to the commerce of Ireland; and therefore, he could not wish to leave it in the power of any future parliament to overturn, in a moment of ill-humour, those concessions, which he knew to be honourable to himself, and beneficial to both kingdoms. That the ministers who succeeded, stood in the same predicament; because the act of 1783 made no new concession, and only removed all doubts upon the repeal of the Declaratory Act, which had been so differently understood, even by men practically engaged in the government of both kingdoms, as to render a fresh explanation unavoidable. That it would be invidious to impute to any set of men, much less to the authors of that measure, and the ministers of this day, a secret intention of revoking it whenever they might be able; as such politics would tend to unsettle all faith in our councils, and to inspire a suspicion, that the most solemn compact is considered only as a necessary sacrifice to the pressure of the moment. That, however this may be, the consequences of this measure have fully justified the policy on which it was grounded; that instead of severing the kingdoms, and infusing into each the idea of separate interests, every man who knows Ireland must admit, that Great Britain never had a greater ascendant over her politics than at the present moment; that the extinction of Irish jealousies has proved a new bulwark of her strength, and that what she has sacrificed in nominal power, she has acquired in real influence, of which the self-denying form in which Ireland has voted a vast army, and every subsequent measure of her government, afford the strongest evidence; that to those persons who rely implicitly on theory in matters of government, and who expect the great operations of the world to square with their abstract notions of an unity of power, it may appear impossible, that two co-ordinate and independent legislatures can proceed without collision. That to them, it may fairly be answered, that government is a science of fact and experience; that as far as the experiment has been tried, it has fully answered to both kingdoms, and that no greater speculative difficulties attended it than might have been urged *à priori* against those parts of the British government, which experience has proved to be the most universally beneficial.

That if the trial by jury was now, for the first time, proposed as matter of experiment and theory to the existing parliament of either kingdom, it would naturally be said, that it failed in its first principle; that the habits, opinions, and consciences of men were so various, that it was absurd to expect the concurrence of twelve jurors in the same verdict; that the difficulty would be increased if they were taken from the neighbourhood, as new motives of prejudice, of connexion, and interest, must arise out of that circumstance to render the attainment of justice impracticable. And the noble lord said, that he had no fear of being contradicted when he asserted, that, in this instance, speculation and refinement must give way to history and to fact. He farther observed, that the British constitu-

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tion affords evidence in all its parts, that theory and fact are commonly at variance, that its superior excellence is said to consist in having three distinct and independent powers, which mutually check and counteract the operation of each other; that the smallest practical experience of our government is sufficient to shew, that nothing but anarchy and confusion could arise out of such a system; that the machine of government would actually stand still; and that those days have been the happiest in this kingdom, where these three principles, instead of jarring and thwarting each other, have acted in the most perfect harmony and union, because that harmony can only arise from the scrupulous caution with which each branch of the constitution confines itself within its natural limits. That so little do fact and theory accord, that though most of the peers are incompetent to revise legal judgments, they form a most enlightened tribunal, as well in matters of private right, as a most upright one, though the stiffness of their political principles has not, at all times, been proverbial. That even with regard to ourselves, in whom the whole popular strength resides, there is neither principle nor uniformity in the frame of this House, considered as an object of speculation and theory, yet we know, what alone is essential, that this rude and ill-constructed system of representation has answered every good purpose in practice; that it has enabled us to make great struggles in war, and, at all times, to enjoy a greater share of political liberty than ever fell to the lot of any other nation. He farther said, that if, in all these instances, seeming inconsistencies in theory were reconciled in practice, the same might be the case with regard to Ireland; that we are not to suppose, that the Irish parliament is composed of different materials from our own, or that the influence of the Crown is totally unknown there; that we ought to recollect, that one House consists, in part, of prelates or judges, who naturally look to the support of Great Britain, in common with the other House of Parliament, against any possible encroachment on their civil or ecclesiastical establishment; that the House of Commons did, fairly and honourably, speak the sense of their constituents in the late questions of trade and constitution, but that it is not of such a cast as to sacrifice real objects of policy to the fluctuation of popular opinion; that they have never fallen into the frenzy of reformation, of which the Chancellor of the Exchequer has set them the example; that as they have met, in every instance, the wishes of Great Britain, the same is to be presumed of their conduct in future, unless, by attempting too much, we forfeit their confidence for ever.

He farther observed, that the resolution stated it as essential to the present compact, that Ireland should, of necessity, adopt the commercial regulations of Great Britain. If it was so essential as it was now, for the first time, contended to be, he could not account for Mr. Orde's silence on so material a topic when he opened his plan to the Irish parliament. That, when a boon was offered to Ireland, the price ought to have been mentioned at which she was expected to purchase it. That the natural course of proceeding had been inverted; that interest, strictly British, had first been treated of, and bartered for, in the Irish parliament; that now, to keep the scales even, we were called upon to set bounds to the legislative discretion of Ireland, without warrant or authority, and to decide points in her future system, which, far from having received her concurrence, have never been alluded to in her parliament; that such conduct is, at best, ungracious towards both kingdoms; that it will be accounted for only on one principle, that a resolution has been taken to recover, at all events, our supremacy over Ireland. That, for this purpose, commercial advantages were held out to her which she neither expected nor desired; that she was to be dazzled with prospects of imaginary wealth, till, in the hour of unsuspecting gratitude, she should surrender the custody of her commerce and revenue; and that the ominous words used in a former debate, that it was "hardly prudent to state how good a bargain was here made for Great Britain," seemed to admit that interpretation; that if the necessity of having uniform laws of trade was the real object, not the pretence of making this innovation, it might be effected by other means; that the principle was admitted in the preamble to Mr. Yelverton's Act, and, therefore, Great Britain has every security which a free people can give, that the laws of trade, which are *bonâ fide* equal, shall be adopted by the parliament of Ireland, and, in point of fact, they have ever shewn a readiness to do so. That it is a fallacy to treat this reso-

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lution as referable to the same principle: Mr. Yelverton's Act adopted only laws in actual existence; it, therefore, depended on Irish courts, and on Irish juries, to expound what British statutes answered the description of conferring equal benefits, and imposing equal restraints; that the insertion of the same words in this resolution gives no security, because it constitutes the parliament of Great Britain the sole judge of that equality, with the power of applying it, not to past only, but to all future regulations; that the circumstances of the two kingdoms are, in so many respects, dissimilar, that laws, purporting to be equal, may, in their consequences, be very unequally felt in each; that, should such a case occur, the subject of Ireland is left without any remedy, he has no means of knowing what passes in this House, nor is he in the habit of representing his grievances to us; and if he goes to his natural representatives, they can only tell him, "We are no longer competent to relieve you, for we have surrendered to another kingdom the power of regulating our commerce; and it is a breach of treaty, if we do not adopt the regulation of which you complain." That this transaction has been compared to treaties with foreign nations, though it had not a single point of resemblance; that when nations make a treaty of commerce, they refer to something definite and precise—"If you will take so much of our woollens, we will admit so much of your linens." Here is no condition of future dependence or subordination, but an agreement to accomplish something for their mutual advantage, of which they understood the full effect; and he added, that history affords no instance of an independent state being bound to do acts undefined in their nature, and uncertain in their extent, at the requisition of another. That equality was professed on the first resolution; and so far as the disclaimer of laying farther prohibitions, the principle was adhered to, as Ireland had previously done the same: but here the equality ends; for though we call upon Ireland to adopt our laws, we do not express our readiness to accept any from her (the very idea would raise a smile); why, then, are we to suppose, that Ireland is less jealous of her freedom and constitution, than we are of ours?

The noble lord farther observed, that if the freedom of parliament consists in a power of admitting or rejecting every specific proposition which may be suggested, the Irish parliament will not, under this resolution, be a free parliament; and the right hon. gentleman (Mr. Pitt) seems sensible of this constitutional difficulty, as the resolution now requires the intervention of Irish acts to give efficacy to British regulations; whereas, in the original draft, they were to be in force in Ireland in the same manner as in Great Britain. The noble lord said, in his opinion, the case was precisely the same, whether Ireland is bound to adopt British laws, or whether they *ipso facto* attach on the subjects of that kingdom, as her free agency is equally destroyed in both cases; it makes the proceeding more complex, but leaves the principle exactly the same. The subjects of France are not bound to obey the king's edict till they are promulgated under the authority of their parliament: but as they are not in a capacity to deliberate upon them in the first instance, nor to refuse the formality of registering them in the second, France does not possess the essence of freedom, though she may retain many of the paraphernalia of a free government. In any case, whether it is injurious to Ireland or not, it affords not the smallest protection to the interests of Great Britain, as no reliance can be placed on measures taken for the sole purpose of complying with the letter of a treaty; and the Irish may happen to think, that having had no discretion in framing a law, they are not bound to a strict execution of it: in this instance, we are completely in their power; nor can we with justice complain, if they retaliate upon us for having set them an example of distrust, which no past transaction will justify. That however the lax execution of the laws will give rise to continual disputes, if Great Britain feels that her revenue decays from the neglect of Irish officers, her complaints will naturally be loud; on the other hand, if Ireland feels sore at the exercise of this assumed power, she will as naturally remonstrate, that the instant complained of is not a *casus fœderis*, and does not fall within the spirit of the treaty. Between foreign nations, the cessation of a treaty only re-instates them where they previously stood: as we are circumstanced, it is impossible to state all the mischiefs which will arise from a dissolution of the compact, if ever it takes place; it can be compared only to a total breach of the union with Scotland; it becomes us, therefore, to weigh every

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word with peculiar caution before we sign the seal for ever.

He farther said, that in reasoning on the fourth resolution, it was impossible not to look forward to the fifth, as forming an essential supplement to it. This also is new, and extends to almost every branch of the Irish trade, and, consequently, to the most productive branches of her revenue. That it gives rise to two most important questions: first, whether a country, comparatively poor, can bear to have her consumptions taxed to as high a degree as a rich one? Secondly, whether it is consistent with the interests of Ireland to render a vast part of her revenue perpetual, by placing herself in such a situation that she must raise her duties at our requisitions, and, at the same time, surrender the power of lowering them unless we do the same, which is almost a visionary prospect. With regard to the first, Ireland now enjoys the alternative of importing West-India produce directly on British duties, or indirectly, through Great Britain, on the low imposts: and it may be a doubt, whether she can bear a higher duty on rum, which is the principal article she imports directly, in return for her manufactures; as to sugar, the duty was almost doubled in the last war, and, in a future one, may go on progressively. Ireland, in these instances, cannot keep pace with us. We shall either prohibit the use of the articles in question, or force her into a contraband trade, to the joint prejudice of her own revenue, and of the British planter. Till she can establish a direct West-India trade, which must be a work of time and difficulty, it seems best, on all accounts, that she should supply herself with the sugars she wants beyond her own importations from Bristol and Liverpool at the old duties. Why, then, take from her this option? In another point of view, the resolution bears hard upon Ireland; it not only interdicts for ever her importations of foreign West-India produce, from which she has precluded herself by an annual act; but as it is now framed, if we adopt so absurd a proposition as to carry on the trade of our islands by a joint-stock company, Ireland must do the same. If, with a view of encouraging Lancashire cottons for the use of the negroes, we were to prohibit the export of linens to the West Indies, Ireland must do the same. It is no answer to the objection, that these cases are out of the reach of probability; if they are so, why should we ask the power to do that which in no possible state of things it is right for us to attempt? In regard to America, the bargain we endeavoured to fasten upon Ireland is still of a harsher nature: when the last arrangement was made, the United States made a part of the British dominions, and, therefore, the colonial regulations comprehended the Irish intercourse with them. Now it is a branch of her foreign trade with which we have disclaimed all interference in other instances; in this we demand, that whenever we lay any new duty on American produce, Ireland shall follow our example. Consider the extent of such a proposition: it applies to the materials of manufacture in many instances: it includes iron, indigo, tobacco, rice, cotton; and, by regulating the imports, we, in effect, command the exports of Ireland in every branch for which these articles are admitted in return: it does, indeed, much more; it gives us the power of immediately filling the exchequer of Ireland, and the surplus of the hereditary revenue being granted to British services, over which the Irish Commons are expected to give up all control, will operate upon us as a temptation to do so. It may also be a doubt, whether the artificial system of restraints and monopolies, which our debts have rendered necessary, if applied to an infant country, as Ireland is, in a commercial point of view, with her natural resources unimproved, may not totally damp all future industry and commercial enterprize.

Had Ireland, indeed, made a demand, we were at liberty to accede to it, only on this or any other condition we thought beneficial; but it cannot be too often repeated, that the business arose in a voluntary offer from ministers, and not in a requisition from her parliament. What advantages are held out to Ireland to compensate all these sacrifices, it is not easy to tell. We allow her to import West-India produce, which has first been landed in her ports, into Great Britain; but every merchant knows, that these circuitous importations through Ireland will rarely, if ever, take place; and to that circumstance only, the indifference of the West-India merchants to this seeming concession is to be attributed. We change also our prohibitions upon her manufactures into prohibitory duties; but it is not possible to suppose, that when the doctrine now held of a countervailing duty is carried to its utmost extent, and that to the

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port duty of 10½ per cent. the excise upon the material, as well as an allowance for waste, be superadded, the manufacturer of Ireland will gain by the change of situation, though the smuggler possibly may. Even the great Irish staple of linen remains as it did, and owes no new security to these propositions; as under the idea of countervailing the Irish bounty on flax-seed, it is liable to a duty at our future discretion. In answer to all these objections, he expected to be asked, why are we to foresee difficulties for the Irish nation and parliament, which they may not feel to exist? In one point he certainly concurred, that if upon full and deliberate consideration, this total change of system appeared to be fraught with no mischievous consequences, undoubtedly he must defer to their superior judgment: but the difference of situation is this, they are to decide on the propriety of accepting or rejecting the offer when made; we are to judge on the wisdom of making it; and nothing can justify that, but a fore-knowledge that it will be accepted. If the ministers have any such grounds of expectation, they ought to be stated, and speculation must give way to theory: but he forewarned ministers, as the most important point of their duty, on which the preservation of every British interest depended, to beware of measures which might lead the parliament of that kingdom into a contest with the people.

The noble lord said, there was an easy and simple method of avoiding this embarrassment, by disclaiming all idea of compulsion upon the legislature of Ireland, in any of the cases which he had described: he thought the British parliament should be satisfied with establishing the principle, that uniformity in the laws of trade ought to prevail between the two kingdoms; which resolution, being exactly fitted to meet the declaration made by the Irish parliament, in the preamble to Mr. Yelverton's Act, would effectually bind the faith of both kingdoms to the purpose in question, without raising jealousy or suspicion. And he farther added, that the resolution was very inaccurately worded; that it pointed out no precise time within which regulations of the British parliament are to be adopted by Ireland, and that consequently it might produce much ill blood, and give occasion to one kingdom to charge the other with breach of faith, if the execution of any of these regulations was deferred by one parliament beyond the period which the other might think sufficient; and to obviate all these objections, he said, he should move to leave out all the words from "Great Britain and Ireland," in which case the resolution would barely state, "That it is highly important to the general interest of the British empire, that the laws for regulating trade and navigation, should be the same in Great Britain and Ireland."

The amendment was negatived.

Mr. *Courtenay* said, he hoped the House would excuse him for offering his sentiments again on a proposition, that appeared so interesting to him. If he was not mistaken, this proposition and the subsequent one aimed an insidious and ungenerous attack on the constitution of Ireland. It would be said, that this did not affect the independence of Ireland, because no laws or regulations can be passed without the sanction of the Irish parliament; he should admit, that this did not take away their independence *vi et armis*, nor *modo et forma*; but let us see whether it did not do so substantially and in effect. Do not you require Ireland henceforward to adopt every regulation which any future parliament, under the conduct of any future minister, may think proper? This certainly does not totally destroy the Irish legislature; but it precludes, by the very condition of the compact, the inherent right of deliberation and rejection, which contains the substance, spirit, and essential principle of a free parliament. Suppose a similar proposition was offered by Ireland; and surely, there was no great absurdity or improbability in such a supposition; both legislatures, Irish and English, were allowed to be equally independent; might not, therefore, on the principle of reciprocity, the Irish parliament agree to pass these two exceptionable propositions, on the express condition, that in certain stipulated cases, the English parliament would likewise agree to pass certain laws and regulations, originally proposed and enacted in the Irish parliament? How would such a proposal be received in that House? Would it not be received with indignation, and treated with contempt? He called on the Chancellor of the Exchequer to answer the question candidly and explicitly. He doubted whether that right hon. gentleman would even dare to offer such a proposition to the House, though they had seen frequent instances of his confidence and audacity, both in a minority

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and majority. What reason was there, then, to suppose, that an Irish House of Commons would submit to such a degradation of their dignity, such a shameful dereliction of their independence? Partial as that House was to the minister of the day, he doubted whether there was a man in it who would venture to support the right hon. gentleman on such a question: if there was a single man hardy enough to do so, let him rise at this moment, and avow his sentiments: he was glad there was none; for it gave him a happy presage of the sentiments of the Irish House of Commons, on a similar proposition, a happy presage of that manly pride and characteristic spirit which had ever distinguished them.

The fifth proposition, Mr. Courtenay asserted, was equally insidious and injurious; under its specious pretext of regulating duties, it had a direct tendency to subject Ireland to a new system of taxation, at the discretion of an English parliament. As all goods and commodities of the growth, produce, and manufacture of British or foreign colonies in America or the West Indies, &c. were subject to the same duties and regulations, as the same goods are, and from time to time shall be subject to, upon importation into Great Britain; how will this affect Ireland? Let us state the case impartially between the two countries; the one extremely opulent, the other extremely poor. By vesting the uncontrolled power in the rich country, of imposing duties to any amount, you subject the poor one wholly to her discretion, and make it in many cases for the interest of the rich country to lay such heavy duties, as may almost amount to a prohibition, and thereby prevent any rivalship in trade. Is this conduct likely to promote that harmony between England and Ireland, which has been so often expatiated on, with all the pomp of vain declamation, as the grand principle of this political union? Still it must be acknowledged, that there are new propositions introduced by the Chancellor of the Exchequer among his modifications and regulations, and not even hinted at originally by Mr. Orde to the Irish House. Probably they were suggested to the right hon. gentleman by his worthy guardian and coadjutor (Mr. Jenkinson) who sat at his right hand, and was deservedly high in his confidence and favour. He certainly thought it for the benefit of both countries that Ireland should give up, not *eo nomine*, but substantially and effectually, the independence of her legislature: and this is probably only part of his great system; he is only now feeling his way; and as the business of next year will probably be a commercial treaty with America, he flatters himself she may be induced, by the example of Ireland, to make a voluntary surrender of her independence, and perhaps submit in some instances to external taxation: so that what he has lost by a system of violence, may be recovered by a profound system of political wisdom, and superior adroitness in negociation, and England may again flourish at the head of a great empire, and establish and maintain her acknowledged superiority over America, Ireland, and all her other subordinate appendages. But be this as it may, this plan must be productive of great dissatisfaction and jealousy; for observe the course and order of things: Ireland first obtained several commercial privileges from England; she saw clearly that the continuance of those commercial advantages must be precarious, till she had obtained an independent legislature to guard and protect those commercial privileges. But the order of things is now reversed, and the right hon. gentleman attempts to seduce Ireland to give up her power of legislature in commercial points, and offers her the English market by way of a commutation for the surrender of her constitution. Such delusive and chimerical advantages will hardly impose on the clear discerning spirit of the people of Ireland; especially as the original eleven propositions offered by Mr. Orde are totally changed in substance and spirit by the Chancellor of the Exchequer; and Ireland, instead of the golden commercial helmet, tendered with all the pomp of Quixotism by Mr. Orde, must now accept of the barber's bason, presented to her by the right hon. gentleman.

Another right hon. gentleman (Mr. Dundas) had inadvertently been too explicit, and discovered too much of the insidious system, now so ardently pursued by the present administration. He had candidly acknowledged, that the monopoly of the East and West Indies was more than an equivalent for all the commercial advantages offered Ireland, by opening the English markets. That was undoubtedly true; for at the expiration of the present charter of the East India Company, Ireland was certainly intitled to a free participation of that extensive

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and valuable branch of commerce; but now England was in a manner obliged to continue that injurious monopoly, because Ireland was only bound to purchase all East India goods through England, during the existence of such an exclusive monopoly: consequently, an English minister was now furnished with a plausible apology, for renewing that monopoly, however detrimental to the public interest; for he might allege, that Ireland was no longer bound, except during the continuance of that injurious monopoly; and therefore, it was more for the interest of England to continue it, than to permit Ireland to trade directly to the East Indies, which she would be entitled to do if the trade was laid open. Such were the substantial advantages which Ireland was to resign for ever. If the whole of the propositions had been originally laid before the Irish parliament, and if they had accepted them, he would be the last man who would presume to differ from them on that great and important subject. They were the best judges of the relative situation of their country; they were the constitutional guardians of the people; they were men of the most enlightened and capacious minds, distinguished for abilities, public spirit, and penetration: still he hoped, that without presumption, he might venture to hazard his opinion on the probable effects of commercial propositions which had not as yet come under their cognizance, and which in his judgment, were an infringement on their free constitution. Jealousy and dissatisfaction had always been excited in this country; reciprocal complaints would probably take place in both countries; such were the harmony, concord, and union, we had too much reason to expect. Indeed, the evidence of the manufacturers at the bar of the House had probably arisen from gross mistakes, or total ignorance of the real situation of Ireland. He was far from throwing any ungenerous reflections on such a respectable body of men, who had offered sentiments honestly and sincerely, and had acted with the utmost candour, fairness, and integrity; but a moment's consideration would convince them that their apprehensions were groundless.

It had been repeatedly urged, that Ireland had no taxes, while the people of England were oppressed and loaded; but what was truly the comparative and respective state of both countries? The true way of computing the burthens of a nation was, to compute them from the income of the whole people; partly out of rents, partly out of labour, and partly out of trade, either for home consumption or exportation. The people of England, as nearly as it could be computed, amounted to 8,000,000, and their medium expense per head 10*l.* which was the true national income (for men cannot spend more, or have less, than they receive or gain), 80,000,000*l.* The taxes of England, even with all its enormous debt, were not one-sixth of the income of the people. The people of Ireland were not quite 2,500,000; their medium expense he had by no computation ever yet made above 50*s.*; he said he should suppose it 3*l.*, 6,250,000*l.* per annum. Ireland now raises in taxes near 1,500,000*l.* per annum, near a fifth of her whole income. This common cant about the Irish taxes, arose from hence, that they have not the same taxes, nominally, with those of England; but then they have some that are of the same nature in reality, and others infinitely more grievous; for instance, the Irish quit rent, crown rents, and hearth money, might be considered as land-tax, which undoubtedly they were, and produced about 110,000*l.* per annum; so that Ireland paid in reality a land-tax equal to above 2*s.* 6*d.* in the pound, and that constantly in the time of peace and war, besides taxes on its imports. It should also be considered, that the rents of England are full 21,000,000*l.* per annum, and the rents of Ireland are at most but 2,000,000*l.* Now, considering the immense difference of the Irish and English exports and imports, the amazing capitals of England, her skill, experience, and long habits of industry, is it to be imagined, after subjecting herself again to the control of the British legislature, restricting herself to the monopoly of the East and West Indies, allowing her foreign trade to be cramped, and thus resigning the most solid and substantial advantages, is it to be presumed, that she will be able to rival and undersell the English manufacturer? The advantages fallaciously held out, she will find to be delusive and chimerical; and he again repeated, she would find herself disappointed: she would consider these amended propositions as injurious and insidious; as a mockery on the merchants, a restriction of her free trade, an insult on her manufacturers, an infringement on her constitution, a degradation of her legislature, and a humiliation of a spirited

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and generous people, who merited better treatment from the minister of the Crown, and the parliament of England.

Mr. *Jolliffe* said, he had conceived the most dreadful apprehensions of the propositions now before the House; he thought they were liable to produce every evil consequence, and that no benefit could possibly arise from them to this country: they yielded to Ireland a competition with the English manufacturer, even in our markets, and tended to enrich that country by the impoverishment of this. But in the 4th proposition, he saw indeed an attempt at what he thought a resumption of what was timidly, unwisely, and rashly yielded by his friends. The legislation for the empire at large had been, contrary not only to prudence, but to common sense, given out of the power of the English parliament. What could be so absurd, or such a contradiction in terms, as to talk of an empire without the power of external legislation for the whole of that empire? How were the important concerns of the whole to be directed but by one parliament? And who could imagine that that parliament should be any other than the parliament of that country where the executive power resided, and where the seat of empire was admitted to be? In this, therefore, he approved of this proposition; and from this, he hoped the right hon. gentleman would never depart: it was restoring to this country a most important object, without which, our connexion with Ireland was not only of no value, but was a weight, an expense, and an incumbrance. To reclaim that to which Ireland never had a right, and which must be injurious to her as well as to England, was boldly to effect a benefit to both countries; and in that the minister had his concurrence, though not in any other respect.

Mr. *Sheridan* said, he would take that opportunity of speaking to the resolution generally as it had been framed, and defended by the minister, before it should become still more objectionable, by extending the powers it was to lodge in Great Britain over the sister kingdom. This, at least, was a question on which gentlemen were no longer to hear the desires and wishes of Ireland urged as arguments for their concurrence; it was a matter wholly and entirely new: it was so far from being any part of the offer made by Ireland, that it had not even been hinted at or alluded to in the Irish parliament; it never had been once glanced at by Mr. Orde; it formed no part of the consideration recommended to the attention of the parliaments of both kingdoms in his Majesty's speech from the throne: it was not to be found in the questions referred to the investigation of the committee of privy council; and the right hon. gentleman himself (Mr. Pitt), in opening this business, had not uttered one word that tended to shew that this proposition was essential to the settlement proposed between the two kingdoms. The question then was, whether the new proposition now in debate contained matter fit to be proposed from the parliament of this country to the parliament of Ireland? In his conscience, he thought it did not: it was injurious to make the offer, and it was folly to believe it could be accepted; it was not enough to say, that the parliament of Ireland ought not or dared not agree to it; they had not the power to accede to it; it would be a concession beyond the limits of their trust; they would betray the confidence reposed in them, and the Irish nation would spurn at the bondage which their degenerate representatives had no authority to engage they should submit to.

Much had been argued on a former day relative to the extent and spirit of this proposition. The event and conclusion of all those arguments from both sides of the House warranted him now in asserting, that this resolution went, in the fullest extent, to a complete resumption of the right of external legislation, so lately exercised, but so solemnly renounced by Great Britain over Ireland. It was unnecessary to repeat those arguments. No person would again attempt to maintain, that this was a measure of experiment, or that it was in the power of Ireland, to possess herself of the greatest present benefits from this country, which so many gentlemen contended she would immediately obtain, as a transfer of British capital, and the establishment of British manufactures; and then, by refusing to place upon her statute-book some act of this legislature which she was bound to have adopted, annul the whole of this settlement, and revert unmolested to her present situation. A full explanation had been given on this subject; the conclusions from which went distinctly to this, that the present settlement was final and perpetual: that the contracting parties in this momentous business being presumed to act with perfect foresight of the consequence of their irrevocable engagements, neither party could

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depart from any article stipulated without breach of faith. Such an infraction in the stronger power would be an act of despotism and oppression, and would justify the utmost extent of resistance in the weaker: it would be a direct attempt to disengage herself from all connexion with, or relation to the empire, and would authorize the vigour of coercion. This was the footing upon which the two countries must in future be understood to be united: upon this view, it would be an imposition on common sense to pretend, that Ireland could in future have the exercise of free-will or discretion upon any of those subjects of legislation on which she now stipulated to follow the edicts of Great Britain; and it was a miserable sophistry to contend, that her being permitted the ceremony of placing those laws upon her own statute-book, as the form of promulgating them, was an argument, that it was not the British but the Irish statute which bound the people of Ireland. For his part, if he were a member of the Irish parliament, he should prefer the measure of enacting by one decisive vote, that all British laws, for the purposes stipulated, should have immediate operation in Ireland as in Great Britain, choosing rather to avoid the mockery of enacting without deliberation, and deciding where they had no power to dissent: where fetters were to be worn, it was a wretched ambition to contend for the distinction of fastening our own shackles.

If this was a fair construction of the purport and necessary consequences of the resolution, was it a slight and trifling consideration, when we reflected on the solemn and decisive manner in which the faith of the two countries had been engaged on this subject,—whether Great Britain should insidiously, by surprise, and collaterally, as it were, make a proposal, which would argue in her a repentance of the bounty, or rather of the justice, which she had done to Ireland, and which, if not accepted, would necessarily destroy for ever all confidence in that country towards Great Britain, on those great constitutional questions which she had shewn were so near to her breast, and valued above all other advantages she had either claimed or acquired? It had been solemnly stipulated between the two kingdoms, that "the right claimed by Ireland, to be bound in all cases whatever, only by laws made by the King, Lords, and Commons, of Ireland, should never more be questioned, or questionable." This resolution did not question that right. It only offered to bargain for it; and proposed conditions on which the right was to be relinquished for ever by Ireland. But who are the parties negociating, and under what circumstances is the treaty carried on? A final commercial arrangement is declared to be necessary to the future good understanding between the two countries: and by this final arrangement, it is declared by Britain, to be an indispensable condition, that Ireland should give up all legislative authority in matters of trade and navigation; and this condition is not fairly put forward in the outset of the treaty, but Ireland is treacherously encouraged to demand a benefit, and then a price is exacted greater than any favour Britain can bestow; while by the manner of stating it, Ireland is at the same time given to understand, that there can never be peace or cordiality between the two countries till she acquiesces in the sacrifice. When a strong power, conscious of its superiority, treats with a weaker one upon such terms, it may not question, indeed, the right to the possession wished for; but it does more, it hints a menace as to the consequence of withholding it; the letter of the compact is not infringed, but the spirit of it is violated.

Here, Mr. Sheridan said, he would not enter into a discussion, whether it was not reasonable in any administration, at any time, to entertain an apprehension, that great difficulties might arise in the government of two countries, each possessing an independent legislature, especially in matters of commerce and navigation. To argue theoretically on such a situation, undoubtedly many apprehensions might be justifiable; but what had been the event? It had not proved them to be well founded; but whatever fears were entertained on the subject, this he was sure of, that the only mode of treating with Ireland, in a point of such magnitude, was by fair, explicit, and ingenuous plain dealing. If the British government really thought it essential to the future good understanding, and to the common interests of the two kingdoms, that the power of legislating as to particular objects should be lodged in one kingdom, only for the common benefit of both, and of consequence in that kingdom which was the head of the empire, it should have been distinctly so stated in the first overture made to the Irish parliament, as the basis of a perma-

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nent agreement. If, then, upon due deliberation, and full communication with their constituents and with the country at large, the parliament of that kingdom had thought it advisable, and had been authorized to treat for the surrender of those rights which they had so lately deemed the only safeguard either of their commerce or their constitution, and which they gloried so much in having obtained by their own virtuous and spirited exertions, then, undoubtedly, whatever he might have thought of their prudence, he should not have held himself at liberty to make the same comments on the proceeding. Instead of this, all had been delusion, trick, and fallacy; a new scheme of commercial arrangement is proposed to the Irish as a boon, and the surrender of their constitution is tacked to it as a mercantile regulation. Ireland, newly escaped from harsh trammels and severe discipline, is treated like a high-mettled horse, hard to catch; and the Irish secretary is to return to the field, soothing and coaxing him, with a sieve of provender in one hand, but with a bridle in the other, ready to slip over his head while he is snuffing at the food. But this political jockeyship, he was convinced, would not succeed; Ireland would spurn at any offer to which such a condition was to be annexed: she would plainly see, that this alarming condition, now indeed declared to be the essence and vital principle of the whole settlement, though introduced as an afterthought, and as a consequence of the tenor of the requisitions made by Ireland, was, no doubt, the original object, and contained the seed and source of the whole business. He was the more confirmed in this opinion, from recollecting many passages in the right hon. mover's speeches since he first opened this matter: although it was not then thought prudent, even to hint, that such a stipulation should be part of the treaty, he constantly made it a topic of accusation against his right hon. friend (Mr. Fox), that he had permitted Ireland to assert the freedom of her constitution unconditionally, and without reserving to Great Britain a necessary control over her trade and navigation.

Here Mr. Sheridan went into a full defence of the conduct of Mr. Fox on that occasion: he reminded the House of the circumstances of the times, and the situation in which Ireland then stood. He maintained, that the declaratory statute which Ireland demanded to be repealed, was more disgraceful to the Journals of that House, and more a libel on the principles of this country, than injurious to the people whom it insulted: but was there a man in that House who would stand up and say, that conditions ought to have been made with Ireland annexed to this concession, if a concession it might be called? Was there a man who stated this to be his opinion at the time? If the right hon. gentleman, who so frequently repeated this charge, had to plead in his excuse, that he was not then possessed of all that political foresight and consummate sagacity, which three years experience had given him, how came it that his new ally, the right hon. gentleman by his side (Mr. Jenkinson), whose prudence and abilities were certainly not immature at that time, so far deserted his duty, as never to protest, while the measure was in its progress, against the indiscretion and rashness of a minister, whom he had no reason to favour; nor once to warn him, that he was inconsiderately placing the two countries in a situation in which it was impossible for them to stand, and inducing parliament to relinquish a right, which it would be indispensably necessary, on the first opportunity, to resume? Fortunately for the peace and future union of the two kingdoms, no such miserable and narrow policy entered into the mind of his right hon. friend: he disdained the injustice of bargaining with Ireland on such a subject, nor would Ireland have listened to him if he had attempted it. She had not applied to purchase a constitution; and if a tribute or contribution had been demanded in return for what was then granted, those patriotic spirits who were at that time leading the oppressed people of that insulted country to the attainment of their just rights, would have pointed to other modes of acquiring them, would have called to them in the words of Camillus, "arma aptare, atque ferro non auro patriam et libertatem recuperare."

But if he had been surprised at this sort of language coming from those gentlemen, he had been much more astonished at Mr. Grenville's declaration, that when he had been in an official situation in Ireland, he had wished for and meditated a settlement between the two countries, upon the principle of the present proposed system. Had the right hon. gentleman forgotten the second legislative act passed by this parliament, in acknowledgment of the constitutional rights of Ireland? Had he for-

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gotten that that act was a measure of his administration? And did he remember the solemn pledge, there given, to remove for ever all doubt, that any power, but the King, Lords, and Commons, of Ireland, should dictate, in a legislative capacity, to that country? The right hon. gentleman had stated, that this act had become absolutely necessary; for that Ireland, almost to a man, had conceived that the simple repeal of the 6th of Geo. 1. had not restored to them the security of their constitution, which yet remained to be acquired. If this was the case, and a bargain were necessary, then was the time for the right hon. gentleman to have proposed his conditions, and not to have permitted those for whom he obtained this new acknowledgment, to have conceived him to have been the champion for a more solemn and explicit renunciation of the legislative claims of Great Britain over Ireland, if he had in his mind a reserve, that a settlement was even then necessary, which should re-assert those claims, and degrade Ireland to her former state of servile dependence.

With regard to the state of Ireland, it was ridiculous to argue, that any circumstances had since occurred to justify or call for the present arrangement. It had been attempted to be proved in the report of the committee of privy council, that Ireland had begun to shew a hostile disposition towards Great Britain, and that she had passed two or three acts, imposing duties on some articles of British export. It was idle to reason from such trivial circumstances. One or two of these acts, it was known, had passed the Irish parliament rather by stealth, and through inadvertency. No material principle, upon which the two countries were to remain connected, had been violated; and when we consider the perpetual shifting of the government and system in Ireland, that every three months wafted over a new lord lieutenant, the only wonder was, that those principles had been so steadily adhered to. The clamour and riots of Dublin had also been resorted to as pretences for this arrangement; this sort of argument had been sufficiently reprobated by a right hon. friend of his (Mr. Burke) on a former day; but if clamour was to be attended to, let the meaning of it, where there was any, be preferred to the noise. Had the Irish clamoured for the present settlement, or for any one article contained in it? Had they been loud in demanding access to the British market, in preference to protecting duties? Had they requested to be tied for ever to the British monopoly in the West Indies, and to have the price of the commodities of those colonies increased upon them? Had they complained, that fortune had offered the trade of the United States of America to them without condition or restraint? Had they vehemently expressed their apprehensions, that the rich commerce of the East would speedily be open to them, if effectual measures were not taken to prevent it? Had they regretted, that they were burthened with a surplus of the hereditary revenue? Had they called out, that they were tired of their legislative independence, and intreated to be relieved from it?—But the fallacy of stating such flimsy ground as the supposed cry of the populace, as the real origin and spur of this important arrangement, was too obvious to be commented on. The true spring and incentive to this artful and complicated business evidently lurked in this fourth pernicious resolution, the tendency of which was of a piece with their whole system of government in Ireland, with the arbitrary and illegal proceedings of their agents in the business of attachments, with their attacks on the liberty of the press; measures arguing a mind hostile to the true principles of constitutional freedom, and justifying us in presuming that similar steps would be pursued in this country, if they could be practised with equal impunity.

Mr. Sheridan now adverted to what lord North had said, was his conception of the spirit of the proposition then in debate. The noble lord had very fairly stated, that it was unquestionably a proposal on the part of the British parliament, that Ireland should, upon certain conditions, surrender her now-acknowledged right of external legislation, and return, as to that point, to the situation from which she had emancipated herself in 1782. The noble lord had also added, that though he might not approve of the manner and circumstances under which this offer was made, yet he sincerely hoped, that Ireland would forget both, and perceive her interest in acceding to the proposal. The noble lord was right in saying, that Ireland must forget before she could consent; but she had more to forget than the insidious and unfair manner in which this proposal came to her; she must forget, that Great Britain ever had the power

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now required to be conceded to her; she must forget the use Great Britain made of it while she possessed it. And by what arguments is Ireland to be induced to relinquish this right? Can it be stated, that she has ever once exercised it to the injury of this country? No; but we are told, that it is possible that she may do so; and is it not equally possible that Great Britain may abuse the trust, and employ this power to the oppression of Ireland? It is argued, that the malice of party, the interested views of mercantile speculation, or the folly of narrow politicians, may, at some time or other, lead Ireland, even at the expense of her own interest, to measures which might embarrass the trade and navigation of the empire. And has Ireland nothing to apprehend from party, from mercantile avarice, or from blind and narrow policy? If it is urged that England is grown too liberal and enlightened to justify any such apprehensions on the part of Ireland, the Chancellor of the Exchequer himself contradicts this reasoning, by asserting that the 200,000 manufacturers, whose petitions are on the table, are all influenced either by the suggestions of faction, or blinded by prejudice and selfishness; in truth, there is not a single argument which can be used as an inducement to Great Britain to attempt to resume this power, which does not equally apply as a motive to Ireland not to part with it—with this difference only, that fact and experience will justify the refusal of the one, but have afforded no pretence for the requisition from the other.

But this power, if returned to Great Britain, is to be returned with this qualification. The laws which Ireland is to be bound to adopt and to obey, are, "to inforce the same restraints, and to confer the same benefits upon the subjects of both countries." Here, then, arises a question which will necessarily be duly weighed and considered by the Irish. Is it, or is it not, possible for Great Britain, under the title of "Laws for the regulation of trade and navigation, or for regulating and restraining the trade of the British colonies and plantations," to adopt restrictions and enforce conditions which may materially cripple and embarrass the trade and navigation of Ireland without proportionably affecting the commerce of Great Britain? He took upon him confidently to assert, that this might be done in innumerable particulars. He had stated, for example sake, some instances upon a former day; he had stated, that Great Britain might restrain the trade and navigation between the colonies and these kingdoms to vessels of considerable burthen, and a proportionate number of seamen. England has large ships and numerous crews; Ireland has neither. The advantage of Ireland has been supposed to be her making more frequent voyages to the plantations, and for smaller cargoes. Such a measure of legislation as is alluded to, would evidently have a different operation on the commerce of the two countries. He had stated, that Great Britain reserving the power of prescribing the form of original certificates to be given by the revenue officers of the colonies, and of requiring them to accompany the importation of every article of colonial produce imported from Ireland into Great Britain, might, by limiting the time at which they should be allowed, and by various other means, entangle and distress the Irish trader, and the more so, as the restraint was not even to be reciprocal. He had stated, that Great Britain might make it a condition, that no ship should clear out a cargo from the West Indies which did not take out a stipulated quantity of some British manufacture not to be obtained in Ireland; but it was unnecessary for him to multiply or argue upon examples. If he was wrangled out of one case, still the principle he went upon was not defeated; for he was not to be called upon to prove the probability of the instances he quoted, or that Great Britain would not injure herself were she to adopt them, because the whole of the present arrangment was built upon this foundation, that it was essential to the system that neither country should retain a power, upon any terms, to injure the commerce of the other.

But whether it was probable or not that Great Britain would in future exercise this right of external legislation over Ireland with justice and liberality, still it must be admitted, that it was claiming a considerable sacrifice from the sister kingdom. And what were the advantages held out to her to induce her to make this sacrifice? He wished the House to view the whole of this matter, and not to confine their attention to the subject of the British market, which had been argued upon as if there was nothing else to be conceded by one side or acquired by the other. What was the present situation of Ireland in respect to all branches of commerce, independent of her inter-

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course with this kingdom?—Here Mr. Sheridan went into a minute detail, in order to shew the situation in which Ireland now stood in respect to her trade with our colonies and with foreign countries, and that in which she was proposed to be placed, should the system of arrangement at present in contemplation be adopted.

With respect to the West Indies, Ireland was to agree to forego every market but that of the British plantations, to give up the cheapest for the dearest, to lose the option at present possessed, of being supplied circuitously through Great Britain upon the low duties, if she found it not to her advantage to apply to the direct trade of the whole of her consumption, to double her present duties on the article of rum, to impose not only equal port duties upon her exports, but to countervail every internal duty which Great Britain may impose upon any similar article of her own manufacture; so that if Great Britain was to lay a duty upon the export of her linen to those colonies, which would be of little injury to her, Ireland must do the same, though the reverse would be the consequence; in short, the whole was sacrifice and surrender on the part of Ireland. As to America, the difference lay in a word. Instead of a trade to that whole continent without restriction or duty, but what she should think proper herself to impose, she was to admit into her ports no articles of similar growth, produce, or manufacture, to those of the British colonies, or which were liable to be imported from thence as such, but upon the terms that Great Britain should hereafter dictate. With Africa she was to be placed upon the same footing as with the West Indies; and to India, she was to abandon all hope and prospect of intercourse with those countries to the end of time, and consent that an immovable boom should be placed from the Cape of Good Hope to the Straits of Magellan. Thus restrained and dependent, her prospects of European commerce were to be proportionably diminished. These sacrifices could not be disputed; and it was to be considered, that every article proposed to be abandoned by Ireland was an advantage to which her title was not disputed, an advantage that she held as a right, for which she had a claim to compensation if relinquished.

These, then, being the sacrifices which Ireland was to make in her prospects of an extended foreign commerce, where was to be her retribution? In what instance was the advantage in this treaty to be on her side? From whence was she to receive the boasted compensation? The British market—that was to be opened to her. There, and there only, was she to look for an equivalent for the numerous and important sacrifices she was to make, both in commerce and constitution. He defied any man to have the confidence to deny, for a moment, that in every other instance Ireland was not to be placed in an infinitely worse situation than that in which she now stands, and in which she stands by fair and acknowledged right. But how was this advantage to be given to her? Upon what terms was the British market to be opened? If he was to adopt the language and sentiments of those who propose this boon, he should answer, upon such terms as shall effectually prevent Ireland from ever profiting, in the smallest degree, by the concession. To this point all their arguments had tended; to this all their evidence had been pointed: so that if we were to give credit to the minister and his supporters, this equitable treaty, this bargain upon the basis of reciprocity would prove neither more nor less than a direct fraud, cheat, and robbery—stripping Ireland of all the commercial advantages she had obtained, as well as of the constitution which secured them to her, and giving nothing in return, but a right to render herself odious in this country, by an attempt at a rivalship which could not be profitable to herself, though it might be mischievous to Great Britain. He was not inclined, however, to give credit to the minister's reasoning on this subject; and much less to the evidence he had brought to support it, the greater part of which had been merely a libel on the character and habits of the Irish nation: nor did he, at the same time, go with the manufacturers of this country to the extent of the evils which they apprehended. Many of their arguments were undoubtedly well founded, and the evidence they had given at the bar merited the most serious attention: there was one point, however, in which he most completely agreed with them; in their assertion that if the Irish trader should be enabled to meet the British merchant and manufacturer in the British market, the gain of Ireland must be the loss of England. This was a fact not to

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be controverted on any principle of common sense or reasonable argument. The pomp of general declamation and waste of fine words, which had on so many occasions been employed to disguise and perplex this plain simple truth, or still more fallaciously to endeavour to prove, that Great Britain would find her balance in the Irish market, had only tended to shew the weakness and inconsistency of the doctrine they were meant to support. The truth of the argument was with the manufacturers; and this formed, in Mr. Sheridan's mind, a ground of one of the most vehement objections he had to the present plan. Ireland must not endeavour to rise on the ruin of the trade of Great Britain. She must not aim to thrive avowedly at the expense of the British manufacturer, however alluring the prospect; not justice and generosity alone, but interest and policy, would call upon her to desist from the attempt. Possibly at first she might find a profit and an advantage in the contest; but how was a great part of this advantage to be obtained? By means incompatible with the true spirit and principles which led to permanent commercial prosperity; by means which had been stated at the bar, to form a great part of the apprehensions of those who petitioned against these propositions; by a lax execution of her revenue laws; by the corrupt countenance of her legislature to such a conduct; by stealing her own manufactures into this country, by passing those of foreign countries for her own; by obtaining a transfer of capital, and enticing over artists and workmen by false hopes and ill-founded prospects; in short, by smuggling, by evading, by defrauding, by conniving, by deceiving. The profit earned by such means would, by the system they tended to introduce, be ruinous in the end to the country which practised them, while they would immediately deeply injure the sister kingdom if she submitted to them; but that would not long continue: the consequence would be, that even the name of Irishmen would become odious to the commercial interest of Great Britain, and Ireland would soon be taught to know, that while she was pressing by all possible means her own advantage from this article of the settlement, she had by other conditions of the treaty surrendered into the hands of Great Britain the power of crippling and crushing the whole scheme of her commerce, of chastising her presumption, and of reducing her to her former state of abject dependence, whenever the interest, the prejudices, or the animosity of the trading part of this community should countenance the measure. Mr. Sheridan urged this in other points of view, and declared, that if he were a person of consideration in Ireland, so far from encouraging the people there to struggle for the British market, he should think it his duty, and what he owed to the interests of his countrymen, to call loudly to the whole land to turn away their eyes and thoughts from that one object, to attempt no race or contest with the British manufacturer, to shun, as the greatest evil, the jealousies, heart-burnings, and destructive ill-will, which would necessarily breed on such a competition, circumstanced so peculiarly with respect to burthens as Great Britain was, and biassed by rooted habits of thinking upon this particular point; but to endeavour to increase by fair and gentle means the home consumption of the produce of their own industry, and by systematic and vigorous enterprise to aim at a successful intercourse with every foreign port: there, if they met the British merchant, it would be a liberal emulation; there he could have no innovation or unfairness to complain of; and there, even if successfully rivalled, he would be conscious that the increasing wealth of Ireland, from such a source, might, with truth, be stated to be a fund wherein the general commerce of England would assuredly find its compensation. Thus might Ireland be addressed under her present circumstances; but let the settlement now proposed be once established, what would be the answer? Would not the Irish merchant and manufacturer reply:—"What you advise us to is unreasonable and preposterous;—we have bound ourselves for ever to the monopolies of Great Britain in the East and in the West; we receive the commodities of both at her will, at her prices, and at her duties; we are crippled in our intercourse with America, holding a precarious and restrained trade with those sovereign states as if they were still British colonies; our dreams of being the *depôt* and emporium for the foreign countries of Europe are, of consequence, become visionary and ridiculous; we have violated the principles of our constitution, by giving a perpetual aid to a military force at the will of the executive magistrate; we have for ever surrendered our right of external

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legislation into the hands of the British parliament:—for all this the British market is our compensation; upon that we are compelled to fasten our minds; to that we must cling, that we must obtain by every possible exertion of every kind; and if Great Britain suffers by it, the mischief is of her own seeking, and the restrictions which force us to this contest are of her own imposing." These would be the happy fruits of a plan, whose boasted object was to cement the union of the two countries, and connect them by bonds of eternal amity and reciprocal affection!

Mr. Sheridan concluded with pressing on the attention of the House, the propositions as they then stood, completely changed in spirit, principle, and regulation, and begging them to consider them in their true light, as new proposals from the British parliament, those made by the Irish parliament being in fact rejected; and to decide, whether they were such as human reason could suppose the Irish parliament, weighing what they are to renounce, and what they are to acquire, could accept, if fair time was given them to argue and deliberate: or if, by surprise and management, they were hurried through that parliament, at a season of thin attendance and relaxed attention, whether the most fatal misunderstandings might not be apprehended, from the country afterwards discovering the delusion which had been practised upon them, and the arts and fallacies which had obtained the irrevocable surrender of their dearest rights. The resolution in debate, was declared to be the essence of this new system;—negative that, and the plan fell to the ground: if it passed that day, a deep wound would instantly be given to the confidence of Ireland in Great Britain; if adopted rashly by the Irish parliament, the decisive blow would be struck, and affection and good faith between the two countries be banished for ever.

Mr. *W. W. Grenville* said, it was extremely disagreeable to him to take up the time of the House, upon points that were immediately personal to himself; but the hon. gentleman had so misrepresented what he had said in a former debate a few days since, that he could not but think the House would expect that he should say something on the occasion. Mr. Grenville then went into an argument to prove, that there was no manner of inconsistency in his supporting the present resolutions, after the line of conduct he had held in that House, when a noble relation of his had the honour to be lord lieutenant of Ireland. He said, the concessions made to Ireland, previous to his holding the office of secretary, had been misconceived in that country. When he arrived, he found men's minds much divided; various opinions prevailed, and many doubts and jealousies were entertained. In order to clear up these doubts, and quiet these jealousies, he had come over to the British House of Commons, to procure a parliamentary explanation of the former proceedings. It was with that view, and with that view only, that he had adopted the line of conduct he at that time pursued; and he would submit it to the candid consideration of every man who heard him, whether there was not an essential distinction between an explanation of past concessions, and an obtainment of greater concessions; and whether his object being at that time merely to obtain an explanation of what had been before done, there was any inconsistency in his now supporting a system of arrangement between the two countries, that certainly conceded something more, but that promised so firmly to establish the future harmony and happiness of Great Britain and Ireland? Mr. Grenville next took notice of what had been said, in regard to the fourth resolution being a resumption of the right of legislation over Ireland, which had been so solemnly renounced the year before last; and went into a series of nice distinctions upon the subject, declaring, that he understood the resolution to be a recognition of the right of legislation being inalienably vested in Ireland, or he would not have supported it.

Commodore *Bowyer*, after expressing his general approbation of the plan under discussion, said, that he had no doubts on his mind, except of a professional nature, which he was under a necessity of requesting the right hon. gentleman (Mr. Pitt) to reconcile, before he could think himself justifiable in giving his negative to the amendment. He said, that there could be nothing more detrimental to the naval service, than to furnish the seamen in time of war with the means of avoiding the King's service, and even of being impressed; which must necessarily be the case, if the prerogative of the Crown in that instance was not to be in equal force in Ireland as in England. He pointed out the temptation it would be to persons of that description to fly to Ireland on the

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commencement of a war, and there to seek for employment in the merchant ships, where they would have better pay, and less restraint than in the navy, by which means our fleets would remain unmanned. He also expressed some apprehensions, lest the arrangement might make dangerous alterations in the jurisdiction of the board of Admiralty, and therefore he wished to be informed, if that department was to be affected, and whether the impress service was to be on the same footing in Ireland as in England?

Mr. *Pitt* paid a handsome compliment to the hon. gentleman for the professional zeal he had shown, and the candour with which he had stated his doubts. The king of Great Britain, he said, was, by the common law, possessed of certain powers over the British seamen, for the purposes of public defence; the common law of Ireland was similar to that of England, and therefore he must in Ireland enjoy exactly the same powers over the several classes of his subjects in that kingdom, as his prerogative entitled him to in this under the common law of England. With respect to the power of pressing, that was a subject on which great delicacy had always been shown by parliament, nor would he then unnecessarily say any thing on it farther than this, that whatever authority the king had of that nature in England, he had exactly the same in Ireland, and that it was not altered or infringed on in either by the present resolution. With regard to the board of Admiralty, he observed that the admiralty of England was the admiralty of Ireland, and of the empire at large; and that to divide its jurisdiction, would be to weaken and almost destroy the naval force of the empire. Nor could there possibly be two boards of Admiralty, because the branch of executive administration, which was under that department, being of a military nature, was one of those which, like the right of appointing ambassadors, belonged personally to the Crown, without any local reference to the situation of its dominions. Having thus, he hoped, satisfied the hon. commodore, he found himself under a necessity of making some observations on other matters that had fallen in the debate. When he considered the language that had been held, and the quarter it came from; when he reflected on the designs of those who had presented themselves in so conspicuous a manner as the enemies of the resolution then before the House, and saw with how much artifice and zeal those designs were supported; and when he weighed the motives, as well of those who had been silent as of those who had spoken to the question; he could not remain an idle spectator, in a transaction that so essentially concerned the interest of the two kingdoms, which composed the remaining part of the British empire. If a chain of recent events, and the whole tenor of the conduct that had been adopted by persons of a certain description, had not exhausted and anticipated his surprise at any thing that could come from them, he could scarcely believe his senses, when he beheld a gentleman (Mr. Sheridan) who for many weeks had concealed his intentions so effectually, as to leave it a doubt whether he was friendly or hostile to the arrangement now depending, stand forth the avowed enemy of a part of the system which was necessarily connected with the whole, and take up a ground of opposition the most dangerous and inflammatory that could possibly suggest itself. But it was not to be wondered at that the conduct of the hon. gentleman should be so inconsistent, when it was remembered, how inconsistent all the measures of the party of which he was the mouth, were in themselves, and how inconsistent the persons who composed that party were with one another. Still, the pursuits of that party, however various and however contradictory, had one uniform tendency. Whether they reprobated on this day what they had approved on the preceding, or whether they abandoned a principle which they had before admitted; whether one individual differed from or coincided with the rest of his associates; still the effect of all their efforts, of all their perseverance, and all their tergiversation, was to be the same—to embarrass the measures of administration, to disunite the affections of their fellow-subjects, to excite groundless alarms, and on those groundless alarms to foment the most dangerous discontents. The noble lord in the blue ribbon, in assenting to the resolution, and the hon. gentleman in opposing it, had taken care to support their several opinions by the same argument; and that argument was, of all others, best calculated to promote the ultimate design of both, however different the modes they took to accomplish it—the jealousy and resentment of the sister kingdom. The resumption of legislative supremacy over Ireland, was the ground

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of acquiescence in the one, of dissent in the other; and thus they divided between them the two features of the character which their right hon. friend (Mr. Fox) had shewn himself so ambitious to assume, that of an English and an Irish patriot.

How gentlemen could think themselves warranted in setting up an opposition to measures, in favour of which they had borne more than a silent testimony, was a circumstance only to be accounted for by those who, from a close attention to the conduct of the party, and a congeniality of sentiment with them, had brought themselves to understand and to adopt the whole of their system, and were thence enabled to see that it was a double game that they were playing; and that their appearing to oppose the resolutions by arguments directly contrary to each other, was merely with a view to secure the same end, and to compass the same design. Was there, he asked, a single amendment which was not calculated to meet and obviate the very objections that had been made to the primary resolutions as sent from Ireland? and when those amendments were first proposed, was there a single gentleman on the opposite side of the House who spoke upon the subject, who did not acknowledge them to be an improvement on, and a considerable recommendation of the plan? It had been asked, would the Irish be satisfied to adopt the resolutions in their present altered and amended state? And the exultation and confidence with which the question had been asked, sufficiently betrayed that it was not the form or provision of the original grounds of the adjustment, as likely to injure this country, that had given rise to the opposition which attended them, but the hope, that by introducing alterations, and diminishing as much as possible the advantages to be derived from them by Ireland, that country might be brought to reject them, and thus an arrangement necessary both to the peace and tranquillity of the empire might be postponed or defeated. The question, however, he would answer with as much boldness as became him; and he would not scruple to say, that as far as probability would go on such an occasion, they would certainly be received with joy and gratitude in Ireland. This opinion he gave from general reasoning and the nature of the case; for all that was necessary to form such an opinion, was to be persuaded that the people and parliament of Ireland were possessed of sufficient understanding to see and know their own interests, and to distinguish between their friends and their enemies. Could he suppose that Ireland would discover in the resolution then in debate, any infringement on the sovereign rights of her legislature, he should then readily acknowledge, that there was no hope of her acquiescence: but, as the resolution was in itself perfectly innocent of any such tendency, as it was in fact nothing more than a necessary and indispensable provision in a treaty between two independent kingdoms—nay, as it was a virtual recognition of her complete emancipation, he had very little apprehension, that an enlightened and liberal nation would suffer itself to become a dupe to the designs of a set of men, who having exerted all their industry for the space of five months in alarming every interest in this country, for the purpose of rousing them to a violent opposition against the arrangement, as proposed by the parliament of Ireland, were now with equal diligence employing the most inflammatory means towards creating a similar opposition in Ireland against the modifications applied by the British House of Commons. The inconsistency of the gentlemen, who opposed at this day what they approved of on the first introduction, was only to be paralleled by the contradictions with which their former opposition to the original propositions, and their present opposition to the amendments, were marked.

Formerly it was urged, that the arrangement would be ruinous to the trade of England; but not having been able to bring the House into their opinion, they had shifted their ground, and had become on a sudden extremely apprehensive lest it might be prejudicial to the constitution of Ireland. He once more pressed the right hon. gentleman opposite to come forward and explain his meaning in the resolution of 1782: in that resolution, the right hon. gentleman had led the House to declare that, "it was necessary for the welfare and tranquillity of the empire, that a permanent connexion should be established between Great Britain and Ireland." If the right hon. gentleman had not imposed in that resolution an unmeaning proposition on the House, he must have intended something similar to the present plan, either as first arranged by the Irish resolutions, or as now adopted by the amendments engrafted on them by

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the committee of that House. If the idea of the right hon. gentleman had been entirely different, he wondered that in his active search for means and modes of opposition, he had not endeavoured to use that which would of all others be the most clear and forcible, that of contrasting the system now proposed with a better one of his own formation. As this mode, therefore, had been neglected by the right hon. gentleman, he had only to conclude, either that he had no meaning whatever in the resolution he proposed, that his intention was something similar to the arrangement now under consideration, or that whatever his plan was, it was such as, on comparison, would be found inferior to the present. Although these were the most obvious explanations of this inconsistency, still there was another which he hoped the right hon. gentleman was not prepared to admit, namely, that the different situations in which he found himself, had inspired him with different sentiments; and that the views on the present day were such, as rendered that public tranquillity and permanent welfare of the empire which it was formerly his avowed object to establish, less agreeable now than they appeared to him then to be.

He enlarged with great emphasis, with some humour, and much severity, on the pains which gentlemen had taken to deprecate in their speeches, any imputations of inflammatory intentions, and yet by their arguments to provoke the strongest suspicions of that nature. It was not for him to determine, whether the intention of those gentlemen were really as bad as they themselves seemed apprehensive they should appear; but on the present occasion, he had only to exult, that however the tendency of their several arguments separately considered might go towards sowing dissention and dissatisfaction in Ireland, yet when all their speeches were collectively sent to Ireland (and he dared to say that pains would be taken they all should find their way there), he flattered himself that one would prove an antidote to the poison of the other, and by that means destroy the effect of the whole. Thus, when it should be found, that an hon. gentleman, in the fullness of his zeal for the freedom and prosperity of that country, considered every thing that was given to Ireland as insignificant, and yet that the price she was to pay for it, was nothing less than an entire and absolute surrender of her independence; if the various inconsistencies that had marked that hon. gentleman's conduct in the course of the proceedings, were not sufficient to open the eyes of all the wise and thinking people, yet the poison of the hon. gentleman's argument would find a complete antidote in the argument of the noble lord (North) near him. Their joint argument ran thus: the hon. gentleman affirmed that Ireland gained nothing in point of commerce, but resigned her sovereignty and her legislative powers into the hands of Great Britain, whilst the noble lord endeavoured to prove, that England was on the point of imparting to Ireland the most unbounded and invaluable rights of trade, yet that the only return to be made for such an extravagant concession amounted to nothing more than this—the freight of a few frigates loaded with pickled pork and biscuits in the course of a century. Having dwelt on the inconsistency of such arguments, and the little apprehension there was of any serious danger resulting from them, he vindicated the resolution on the ground of its being absolutely necessary towards effecting the object of a plan depending, which was to agree to admit that country to a participation of commercial benefits with Great Britain, that should not only be equal, but permanent; for if the laws that regulated and governed the enjoyment of those benefits should be different in each country, then they could not be equal; and if they were liable to alterations in the one and not in the other, they could not be permanent. He referred to the negociations between all states absolutely independent on, or unconnected with, each other, in order to shew that similar provisions were frequently adopted on such occasions. He particularly instanced the late treaty of peace with France, in which that kingdom was bound to publish certain edicts, as soon as other acts stipulated on her part were performed by this country: nay, he defied any gentleman to produce a single collection of treaties, in which there was not almost in every page a contract of a similar tendency. He farther contended, that if Ireland had any reason to complain in this instance, of an infringement on her rights, England had full as much; for, by the present arrangement, her parliament was fully and irrevocably bound, at all times, to admit the Irish to the free use and enjoyment of her own markets; and would, therefore, by so doing, give up her future right of exclud-

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ing them, and thus, to a certain degree, abandon her free agency and sovereign power over all the concerns of the kingdom.

Mr. *Sheridan* said, he was confident that the candour and liberality of the House would indulge him with a few minutes attention, to enable him to repel the grossest perversion, not of words merely, but of conduct and motives, which the most presumptuous adept at misrepresentation had ever attempted to maintain, in defiance of truth and decency. The right hon. gentleman had charged him, in the most acrimonious language of reproof, with inconsistency of conduct. He was accused of not having appeared to hold one uniform opinion upon the subject of the Irish propositions —a curious charge, and curiously supported; for the very words of the right hon. gentleman's accusation accounted for, and justified the contradictions he complained of. It was, because every day had brought forth new opinions; it was, because every time the committee met, the tone had been changed, and the ground had been shifted—that it had become utterly impossible for any person either to support or oppose his system upon the same principle, or with the same arguments, for two days together: but it was not very surprising that the right hon. gentleman, who had forgot every ground which at the commencement he professed to act upon, should not very accurately remember the line of conduct pursued by others; nothing but this complete oblivion of himself, and what he had done in this business, could have betrayed him into the rashness of accusing gentlemen on that side of the House of acting a double game—Did he complain of a double game? He, through whose whole conduct in this business there had not been one direct proceeding, not one straight-forward step. The whole negociation, from the first hour, had been carved, twisted, and circuitous—a plan, opened with duplicity, and explained with equivocation. The gross and glaring contradictions between the right hon. gentleman's first statement and reasoning upon this business in England, and Mr. Orde's in Ireland, undoubtedly had no resemblance to a double game; there had been no double game in the committee of privy council, carrying on a mock investigation for his Majesty's information, after his Majesty had received an address of thanks for having adopted the measure; and, above all, no double game had been practised with the manufacturers; but all their misapprehensions had been owing to accident, or their own dullness! While such things were in the recollection of the House, the right hon. gentleman must not expect to have his loose and unfounded charges pass unreplied to, however boldly urged with lofty tones and clamorous declamation. For his part, he defied the right hon. gentleman to tax him with any one inconsistency upon this subject. He was the mouth of no party, as the right hon. gentleman had been pleased to style him, nor was he the tool of any party. He had as strong party feelings as any man; but he had those feelings, because those he was attached to neither expected from him servility of judgment nor pliancy of principle. The right hon. gentleman, perhaps, knew himself too well what it was to be only the channel of conveying other people's sentiments and decrees, to be the eloquent mouth employed to promulgate schemes, not bred in his own judgment, nor approved by his own heart. This, he solemnly believed, was the right hon. gentleman's case at present. He was convinced, in his own mind, that that part of the plan which was to entrap Ireland into a surrender of her constitution, was no original wish of that right hon. gentleman, but had been put upon him since, by those who will some day make still harder conditions with him, for the continuance of their countenance and support.

Mr. Sheridan then recapitulated his own conduct throughout the business; stating, that soon after the opening of the proposed arrangement, he had said in debate in that House, that he should differ upon this business, he feared, with those whom he had always acted with; that he had solicited no petition, nor knew even of that from Stafford till the day he had presented it; but that on the day Mr. Pitt brought forward his sixteen new propositions, so far from appearing to approve of them, he had called on the right hon. gentleman to read a second time this particular proposition, and had declared, in speaking to an amendment, he moved before the House rose that night, that the fourth resolution struck him as an absolute resumption of the right of external legislation over Ireland. The right hon. gentleman brought an amendment to this resolution the next time the committee sat, and quoted what he called his (Mr.

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Sheridan's) misconception as a reason. Mr. Sheridan had then replied, that the amendment had removed no part of his objection. He had since spoke and divided against this resolution in the committee. With regard to other particulars in this arrangement, he had voted, in many instances, with the minister, and against his right hon. friend and the noble lord; and he had suggested some amendments which had been adopted, and which certainly tended to smooth the reception of the propositions in Ireland. He left the House to judge, whether there was any thing either inflammatory or inconsistent in this conduct. But his opinion upon the whole of the plan, as it was completed, he had delivered that day, and that opinion he would maintain.

Lord *North* also vindicated himself from the charge of inconsistency made against him by the right hon. gentleman, and turned against him his own argument of shifting ground. With respect to the quotation of the right hon. gentleman from his speech, notwithstanding his precaution in writing down his words, he had been guilty of a great inaccuracy; for he had not said, that we had only to expect the return from Ireland in the course of an entire century, but that the utmost we could look for would be a few frigates, freighted with pickled pork and biscuit, during the remainder of the present century, a period only of fifteen years.

Mr. *Fox* began with remarking, that in the personal and political character of the right hon. gentleman over-against him (Mr. Pitt), there were many qualities and habits that had often surprised him, and, he believed, that confounded the speculations of every man who had ever much considered or analyzed his disposition; but that his conduct on that night had reduced all that was unaccountable, incoherent, and contradictory in his character in times past, to a mere nothing. That he shone out in a new light, surpassing even himself, and leaving his hearers wrapt in amazement, uncertain whether most to wonder at the extraordinary speech they had just heard, or the frontless confidence with which that speech had been delivered. Such a farrago of idle and arrogant declamation, uttered in any other place, and by any other person, upon the subject in question, would naturally fill the members of that House with astonishment; but, spoken by that right hon. gentleman within those walls, in the presence of men who were witnesses of all the proceedings upon this business, every one of whom could bear testimony to the gross and unblushing fallacy of the right hon. gentleman—it was, Mr. Fox said, an act of boldness, a species of parliamentary hardihood, certainly not to be accounted for upon any known or received rules of common sense, or common reason.

I cannot (continued Mr. Fox) help remarking the vast disparity in the tone, the temper, and the style of expression exhibited by the right hon. gentleman upon this night, from those which he deemed it expedient to adopt when he opened the eighteen propositions to this House. On that night I quoted a passage,

> Telephus aut Peleus, cum pauper et exul uterque,
> Projicit ampullas, et sesquipedalia verba;

and quoted it to exemplify the change which the deplorable situation into which his rashness, his ignorance, or what is not more reputable than either, his servile adoption of other men's fancies, and thrusting forward the crude heap of discordant and dangerous materials which form this miserable project, had involved the right hon. gentleman. Upon that occasion, I could not help observing, that the *ampullæ* and the *sesquipedalia verba*—that the right hon. gentleman's magnificent terms, his verbose periods, and those big bombastic sentiments which constitute, in general, the principal part of his orations, had for once forsaken him, or been relinquished, for language and for manners better accommodated to his disastrous condition. Then we saw the avowed confederacy of the right hon. gentleman with those about him, whose co-operation in the general system of his government he is commonly so anxious to disavow, but whose opinions he so uniformly propagates and asserts—then we saw that preposterous ambition, that gaudy pride, and vaulting vanity, which glare upon the observer beyond all the other characteristic features of the right hon. gentleman, and which prompt him to look down with contempt on his political coadjutors—to fancy himself the great overseer, the surveyor-general of the British government—we saw this glittering assemblage melt away, and that right hon. gentleman descend to a curious and most affecting sympathy with the other supporters of this system, as well as into something like a modest and civil de-

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meanor towards those who opposed it. But, alas! the right hon. gentleman's deviation into a moderate and humble course of argument,—into a course befitting a man detected in ten thousand instances of folly, precipitancy, rashness, weakness, and consummate ignorance of the subject in discussion, was but transient and temporary. The hopes of a reform in his conduct were as fallacious, even as the many hopes of other reforms which that right hon. gentleman has gulled a variety of persons in this country to entertain upon points of more importance. Upon this night the right hon. gentleman has relapsed into his own favourite and darling habits—the *ampullæ* and *sesquipedalia verba* are again resumed, with additional redundancy. Nerved with new rancour, and impelled with fresh vehemence, the right hon. gentleman rushes blindly forward; but surely it cannot escape observation, that the display of these passions, and the resumption of that mode of reasoning, are the best proofs that the right hon. gentleman is, indeed, reduced to the last extremity; and, by the use of such arguments, that he shews himself destitute of any that better become a real statesman, or a great orator.

Beaten out of every thing that bears the semblance of argument, without the least shred or remnant of reasoning to support him, the right hon. gentleman is forced upon the rash and dangerous hazard of carrying the war into the enemy's camp; and finding it impossible to say one word in vindication of his own deformed and miserable system, he is obliged to throw out a series of invectives, and, by exhibiting a list of charges against us—(charges which, the very moment he gives them utterance, he knows to be absolutely and entirely destitute of every vestige of truth),—to engage the attention, and divert the notice of the House from his own wretched and contemptible schemes. The admirable argument of my hon. friend (Mr. Sheridan) is answered with hard epithets, with strong assertions, with lofty phrases, with long and laboured calumnies; and with the usual round of redundant and disgusting egotisms. In proportion to the poverty of the cause he engages in, is the pompous assumption of the right hon. gentleman; and of all the various singularities which compose his character, nothing, I confess, amazes me so much as the perfect composure with which he attempts to criminate his adversaries, upon points in which he is himself, of all men living, the most vulnerable; and the steadiness and resolution with which he puts forth accusations, in desperate defiance of truth, and with as determined a contempt of prudence and propriety in the manner of urging them.

Before I touch upon the charges to which I allude, I cannot help observing, with what special grace the right hon. gentleman ridicules long speeches—with what a singular propriety he, of all the members in this House, attempts to correct others for occupying much of the time of the House. I do not intend to deny the right hon. gentleman the merit of great abilities, great eloquence, and great powers of pleasing his hearers; but of all the crimes to be urged against any person within these walls, the last, undoubtedly, for the right hon. gentleman to venture upon is, to charge the long duration of his speech as a fault against any member. The right hon. gentleman, like myself, is under the necessity of troubling this House much oftener, and for a much longer time, than is, perhaps, agreeable; and it ill becomes either of us to reprobate others for a practice we ourselves so frequently fall into. Grateful for the indulgence we are favoured with, we should certainly be the last to condemn that in which we ourselves are the greatest transgressors. And I shall drop this part of the subject, with only remarking, that if an almost uniform deviation from the immediate subject in discussion,—if abandoning liberal argument for illiberal declamation,—if frequently quitting sound sense for indecent sarcasms, and preferring to rouse the passions and inflame the prejudices of his auditory to the convincing their understandings and informing their judgments, tend to diminish the title of any member of this House to a more than common portion of its temper and endurance—I do not know one gentleman who would have so ill founded a claim upon it for such favours, as the right hon. gentleman himself.

The right hon. gentleman has struggled much to fix a charge of inconsistency upon my noble friend, and upon my hon. friend near me; and such is the fatality of an inordinate appetite for accusation, that the only point by which he has chosen to illustrate this inconsistency, is a point that proves, as clear as day-light, that both the one and the other is perfectly and tho-

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roughly consistent. The noble lord supports the fourth proposition, because he thinks it makes laws no more for Ireland, than is, in this instance, just. The hon. gentleman reprobates it, because he thinks it an insidious, deceitful, and treacherous manœuvre, to cheat the Irish out of their independence, and dupe them into servility, by prospects of advantages of another kind. The noble lord and the hon. gentleman have taken the same side, argued upon the same principle, and acted under the same impression, upon the same subject, from the first moment the right hon. gentleman introduced it to this House; their language has been unvarying, and their conduct in strict unison with their respective declarations. The noble lord has shewn the danger to the trade of England from the adoption of these propositions, and has, in my judgment, unanswerably proved, that the promised compensation is fallacious in the extreme: in both these positions my hon. friend concurs; nay, he goes farther, and demonstrates, that although he might wish well to the propositions as generally favourable to the trade of Ireland in their original state, the right hon. gentleman's alterations have so radically changed their nature, that Ireland will be the positive loser in these three great branches, viz. the American, West Indian, and East Indian trade; so that the only chance she has of benefit, or of indemnifying herself for the injury she receives by the change of her present system of trade in these great lines of commerce, consists solely in the hopes of underselling England in the English markets. He therefore considers the arrangement upon the whole as prejudicial to Ireland (independent of the attempt at resuming the power of legislation under the fourth proposition)—because it is not by the downfall of England that he wishes Ireland to prosper. Thus, all my noble friend's argument tended to shew the danger to the manufactures and trade of England from the proposed system: my hon. friend admits, that Ireland's only source of benefit is confined to England, for that, in the arrangement of the foreign trade, every thing is against her; and in this point, so triumphantly dwelt upon by the right hon. gentleman as the criterion of their contradiction, nothing, in fact, appears, but the most precise consistency on their part. This detection of his mistake may perhaps—(but I believe nothing can)—teach the right hon. gentleman to consider a charge before he makes it, and not to waste so much phlegm, nor expend so many fine periods, upon subjects which will only shew his own rashness, weakness, and, I had almost said, absurdity.

But the right hon. gentleman seems determined, at all risks, to fill up the catalogue of accusations, and in the hey-day of his spleen, in the plenitude of his indignation, to contemn every consequence to himself, provided he succeeds in giving us a side-blow. What is the world to think of that right hon. gentleman's discretion and judgment from this night, who, upon the subject of the Irish propositions, ventures neither more nor less, than to charge us with shifting our ground, and playing a double game? Is there a gentleman present, who, out of this House, at the moment would have believed that the right hon. gentleman could have been so unguarded, so senseless, so mad, as to stumble on such a charge? For him to talk of our shifting our ground! He, who has shifted his ground, until, in truth, he has no ground to stand upon! He, who has assumed so many shapes, colours, and characters, in the progress of this extraordinary undertaking! He, who has proclaimed determinations only to recede from them; who has asserted principles only to renounce them! He, whose whole conduct, from the first moment the system has been proposed, has been one continued chain of tricks, quibbles, subterfuges, and tergiversations; uniform alone in contradictions and inconsistencies! Compare the twenty propositions now upon your table, with the eleven original ones, as he introduced them to this House! compare his language on that day with the language of this night; compare the nature of the two strings of propositions, substantially and fundamentally subverted in many parts, in all materially altered, with those reiterated declarations, that not one principle could on any terms be meddled with: let the House reflect upon these circumstances, and then let them judge, whether a grosser piece of insanity was ever heard of, than that the author of all this miserable foolery should charge others with shifting their ground!

And then the right hon. gentleman is pleased to say, that we are playing a double game. The parent of double games, and the very essence of double-dealing through every part of this business, is the very man who has the front to make this

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charge. But does he think this nation is as blind and senseless as those who, in supporting this system within these walls, avow their utter ignorance of it, as the motive that impels them? Does he think an absolute stupefaction has petrified the intellects of men, that he should have the boldness to talk of other people's playing a double game? He, who has played a double game with England, a double game with Ireland, and juggled both nations by a train of unparalleled subtilty? Who proposed the scheme to Ireland as a digested system, final and complete; pledging the faith of government that the eleven propositions contained the whole, and that not one of them should be altered? The right hon. gentleman. Who swelled these eleven propositions to eighteen, in a variety of fundamental points radically altered and overturned? The right hon. gentleman. Who assured the body of British traders and manufacturers, that their respective branches should be faithfully secured from every evil? who denied this assurance afterwards? who solemnly declared, in the face of the House of Commons, that all the principles of the original eleven propositions should remain inviolate? who was it afterwards that openly violated this solemn declaration? Let the right hon. gentleman answer these questions if he can, and let the world decide which side of the House has been playing a double game. Does the imposition, which almost every manufacturer, who has seen the right hon. gentleman upon this business, complains of, arise only from a misunderstanding? That persons standing in this House in the light of rivalship and political emulation, prone to misconceive and to misinterpret, should often misunderstand each other, is no great cause of wonder. But what interest could the manufacturers of England have to misunderstand the right hon. gentleman? Did it arise from his want of power to express himself? Was it owing to his habitual brevity; to his known dislike to circumlocution, and to the circumstance of his never using more words than are barely sufficient to give his meaning? The world will judge whether to impute it most to these causes, or indeed to the playing a deliberate double game.

But, Sir, it is not in retorting these silly charges that we rest our defence. From the beginning we have been uniform and consistent; and if any new objections have been urged by us, they are attributable to the novelty of the propositions which the right hon. gentleman has produced without any previous notice to this House, to the country, or to Ireland. It were indeed a hardship and injustice, if, because we combated the defects of a new scheme, we should be liable to the charge of shifting our ground against an old scheme, no longer the object of discussion. And here I cannot help observing, that if it be true, that ingratitude is the worst of sins, I can see no light in which the right hon. gentleman appears, but that of the worst of sinners. What a pernicious scheme would this have been, unpurged by our amendments! and now what a return does he make us! But there are proud and sullen souls, enveloped in a fastidious admiration of themselves, and a haughty contempt for the rest of the world, upon whom obligation has only the effect of enmity, and whose hatred is best secured by redeeming them from danger and dishonour.

There remains one charge to be noticed, which is more singular, if possible, than the former, because it is more palpably groundless. The right hon. gentleman affirms, that now, for the first time, an objection is made to the fourth proposition; and he infers from my silence this night that I have no arguments to oppose to it. How any man, with the smallest faculty of recollection, with the slightest feeling of shame, can hazard such an assertion, is, I confess, to me perfectly unaccountable! I do not believe there is one man, not merely in this House, but in this country, who reads a newspaper, that can be ignorant, that I have uniformly reprobated this fourth proposition from the first moment of its introduction—that we divided the committee upon this very clause of the system—and that our minority was a very small one. The very arguments I shall now urge against it, will demonstrate the falsehood of the accusation, for they will only be a repetition of what I have said before; and, when the House recollects that I am charged with having never before objected to this proposition, they will, I trust, excuse the tautology.

Here Mr. Fox, went over the ground of his objections to this part of the system. He said, he had no doubt the fair construction of the fourth resolution would appear to any man of common sense, to be virtually to make laws for Ireland, and would be to renovate rashly and wantonly

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the jealousies of the whole Irish nation, upon a point of the most peculiar tenderness and delicacy. In vain were attempts made to assimilate this surrender of the legislative independence of Ireland, with the case of treaties between two sovereign states. In the latter case, one state bound itself to do something defined and specific when the other adopted some defined and specific measure. Here was no condition of servitude and obedience, but a mutual agreement to accomplish something understood and particularised by common consent, for their common advantage, upon a certain contingency. To make the cases similar, an instance should be produced (which instance, Mr. Fox affirmed, could not be found in the history of mankind) where one independent state bound itself solemnly to do any thing undefined, unspecific, and uncertain, at the arbitrary demand of another state. Precisely such a demand would be made upon Ireland; and if this proposition was adopted, no man would be simple enough to deny, that England would make laws for Ireland; for what would be the passing of a Bill under the operation of this member of the proposed system through the parliament of Ireland but a legislative mockery? For not a single change could be made in it afterwards, and fair discussion and free agency would, from that moment, be utterly extinguished.

Thus incontestably stood the matter in point of reasoning and in point of fact. He could conceive many possible cases, where the concurrence of the Irish parliament might be required to arrangements absolutely destructive of the interests of Ireland: suppose an English act of parliament restrained the trade to the colonies to particular articles in which England flourished, and which Ireland dealt in little or nothing: suppose an English act of parliament prohibited all foreign trade in ships of a certain description, and in which description alone Ireland now carried on her trade. Many other cases would occur to gentlemen, if they would take the trouble of reflecting upon the possible operations of the fourth proposition. This system once adopted, Ireland, without breach of faith, could not refuse to register the English law into her statute book; and numerous instances might occur hereafter, where the parliament of that kingdom must rest upon this desperate alternative, either to violate the faith of the nation, or to betray and sacrifice its dearest interests. This consideration, Mr. Fox said, even independent of its insidiously resuming a power most solemnly renounced, would persuade him to the rejection of the proposition; and in this, as well as in a thousand other points of view, he saw the whole of the proposed plan, as the infallible source of eternal discontent, animosity, and ill blood, between the two kingdoms, though we were captivated with the flourishing and fanciful pictures of the harmony and concord that were to cement the sister nations, according to the right hon. gentleman's predictions.

The right hon. gentleman had adopted a mode of recommending the fourth proposition, perfectly suited to the capacity and turn of those who proclaimed their confidence in him, as the principle that procured their support to a system, of which they made no scruple to avow themselves perfectly disqualified from judging. But unless he thought all the members of that House were blinded by the same scandalous ignorance; unless he was weak enough to persuade himself that the nation was possessed with the same bigoted enthusiasm and inveterate idolatry for him, why would he venture upon such nonsense? The argument was—As well might England complain of surrendering her legislative independence, because she was bound by this treaty to similarity of trade and navigation laws with Ireland; that was, that England, who was to make the law, might as well complain as Ireland, who was to obey the law. This was the right hon. gentleman's argument; and let no one imagine that he employed such rank folly from want of abilities; the right hon. gentleman's abilities were very considerable, and if the cause admitted of a better defence, the right hon. gentleman would certainly make it. When England should agree to be governed by trade laws originating in the Irish parliament, the right hon. gentleman's reasoning would be forcible: but with all the partiality of that House for him, even he would not dare to give utterance to such a proposition within those walls. Why he thought the Irish were more insensible to the blessings of their constitution than the English, Mr. Fox said he knew not.

Although the right hon. gentleman charges upon me (concluded Mr. Fox) that I have not heretofore opposed this proposition, he might surely have recollected, that a noble lord near him (Mahon) had attempted to ridicule me when this

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question was before under discussion, as being now an English, now an Irish patriot; and to that ridicule, impotent and awkward though it fell, I beg leave to plead guilty. I wish to appear what I really feel, both an English and Irish patriot; only let it be recollected, that I am not so now merely for the exigency of the moment. Let it be recollected, that if, in defending the liberties of Ireland, and discovering a jealousy for her constitution, I deserve the name of an Irish patriot, to that honour I am intitled ever since the first day of the session, when I could not foresee the events of the present day, and long before I knew that any commercial treaty with Ireland had ever been talked of. I embraced the first opportunity afforded by the meeting of this House, to declare my execration of the conduct of the King's ministry in their proceedings in Ireland, where I saw the fundamental and most sacred principles of the constitution daringly overturned, and doctrines advanced and measures adopted, in my judgment, utterly subversive of every trace of civil liberty; and all this in the zeal of the right hon. gentleman to suppress the reform of parliament in Ireland.

Upon the opening of the proposed arrangements in this House, I repeated the same arguments, and was convinced that Ireland never called for this system, nor ever thought of it, but was seriously occupied with other objects. I added, that I considered the whole plan as a lure to divert the Irish from constitutional points, by throwing the trade of England at their feet; and to reconcile them to the violation of the laws of the land and of the constitution, by the enchanting prospect of the commercial benefits held out by this system. In this opinion I am strengthened every day, and the eager part acted by those who surround the right hon. gentleman (Messrs. Dundas and Jenkinson), would confirm to me that my fears for the constitution of Ireland were not ill-founded, had this fourth proposition been to this hour withheld from England, as it has been studiously concealed from Ireland. If this conduct, Sir, constitutes an Irish patriot, then am I one; and if to struggle to save the trade of England from annihilation, gives any claim to the appellation of an English patriot, I possess that claim. I did not incite the merchants and manufacturers to an opposition to this scheme. If I were capable of making them instruments in this business, they were incapable of becoming my instruments: they did not follow me; I followed them. To the right hon. gentleman's government they were exceedingly partial; and not quite recovered from the insanity of the times, they were absolutely prejudiced against me and my friends. They are as discerning and respectable a body of men as any in Europe, and merited, I think, better treatment than they experienced from the right honourable gentleman. No man was ever more indebted to the protection of the people than that right honourable gentleman; and no people I believe ever so soon began to repent of their predilection. Every act of his government has tended to open their eyes; they are, I believe, completely cured of the popular infection; but I fear their conviction comes a little too late. I shall now relinquish this subject, perhaps for ever, with repeating a sentiment that I have before thrown out during the discussions upon this business: I will not barter English commerce for Irish slavery; that is not the price I would pay, nor is this the thing I would purchase.

Mr. *Pulteney* said, the right hon. gentleman (Mr. Fox) had brought the matter now to a very short issue; he had objected to the propositions at first as hurtful to England; he had objected to them now, as destructive to the independent legislative authority of Ireland.

The House continued till past four in the morning, to make amendments, several of which were offered by Mr. Eden, and agreed to.

The Resolutions being thus agreed to by the House, were ordered to be communicated to the Lords, and a conference desired thereon.

Debate in the Commons on the Shop Tax Bill.] May 23. On the order of the day for the second reading of the Bill for granting to his Majesty certain duties on shops,

Mr. Alderman *Newnham* expressed his aversion to the measure, as being of all taxes that was ever proposed, the most partial, oppressive, and ruinous, and one which would operate with double injury on his constituents. The right hon. gentleman who proposed it, unaccustomed to trade, and unacquainted with the lower walks of life, was not perhaps aware, that the property of a man was by no means

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to be estimated from the rent of his house, and his ability to bear additional burthens was as little so. According to the different lines of business in which men were engaged, they were under the necessity of having their shops in particular situations, so that a man might undergo a very heavy rent in a principal street, whose receipts were much inferior to people in different lines of business, who had no occasion so much to consult situation. In the great streets of London, there were many on whom this tax would operate at the rate of 10*l.* 20*l.* and 30*l.* a year, whose means and abilities would be little able to bear it, and who with struggling and difficulty were enabled to live at present. There were no means whereby this additional burthen could be transferred from the shopkeeper to the public; as it would be impossible so to apportion the advance on every insignificant article as not to make the public pay infinitely more than the tax was calculated to produce, or to leave the entire loss to be sustained by the shopkeeper himself. Besides, wherever the operation of it was light, it would be so only on the great dealer, whose receipts might enable him to bear the additional tax on his house without raising the price of his commodity; and the poorer dealer, whose income and profits were light, must give up his bread, unable to pay so heavy a sum without charging it on his customers.

Mr. *Hammet* reminded the House, that the instant the tax was proposed, he had urged its partiality and injustice. The more he turned it in his mind, the more he was convinced of its great impropriety. It was not what it was called, a tax on shops,' but another species of land-tax. He earnestly hoped, therefore, the right hon. gentleman would keep his hands out of the pockets of the poor shopkeepers, and put them into pockets that were better lined. Let it be a general tax on houses, or any thing that would affect all men according to their property. And when he recommended this, he gave advice against his own interest, for he was a numerous house owner: but still, when the object was a burthen on the subject, that must be borne one way or another, he would rather have a part placed on his shoulders, than the whole rest on a set of men who were incapable of bearing it, and who would be crushed with the weight of the load.

Mr. *H. Thornton* said, he differed totally from the two hon. gentlemen who had spoken before him, and that for one of the reasons which they had principally rested on, viz. the general clamour against the tax: it was a conviction to his mind that it bore equally, and in a like manner affected shopkeepers in general. Had it been a tax of another nature, a tax of 5*l.* per annum for a licence to keep a shop, the House would have heard but little on the subject, because in that case the great shopkeeper of large and extensive dealings would scarcely have felt it, while the little petty retailer would have been ruined by it; but being governed by the proportion of the rent, it operated equally on the high and the low, the poor and the proud, according to their means, and their respective profits. He was persuaded, the tax would be paid by the consumer. He had not been instructed to oppose the tax by his constituents; but he believed they differed from him in respect to it, which he was extremely sorry for; he had however stated the grounds on which he entertained the opinion he held upon the subject.

Mr. Alderman *Townshend* said, if the tax would be paid by the consumer and not the shopkeeper, it was capable of proof, and it ought to be proved. Had that been the case in respect to the house tax? Would any man pretend it had? If it had not in that particular, it was not fair to presume it would in this. There was a great deal of sound reason in what had fallen from his brother alderman. Taxes upon persons, instead of those upon articles of consumption, generally rested with those who were to pay them. If a land-tax of 15*s.* in the pound were imposed, he was persuaded a load of hay would fetch no more than it otherwise would have done; but to impose a tax of 1*s.* 6*d.* or 2*s.* per load on hay, the landholder would receive it of the purchaser, and consequently of the consumer of the hay. He thought the tax on shops was a hardship on those who were ill able to bear it; and therefore he hoped the right hon. gentleman would abandon it.

Mr. *Rose* defended the tax as one that would spread generally, and be felt but little because it was governed by the rent, which either was or ought to be proportioned to the degree of business done, and the quantum of profit gained by each shopkeeper. The present tax would, he was persuaded, fall on the consumer.

Mr. *Mainwaring* gave his opinion against the tax, which he declared he was per-

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suaded the right hon. gentleman would be convinced was an impolitic tax, if his habit of life had not rendered him wholly a stranger to shopkeepers and the nature of their business. In order to avoid its falling on the shopkeeper, he must, he observed, subdivide the amount of what he was to pay, and place it on different articles. Suppose for instance, a shopkeeper paid 30*l.* a year rent, he would have 3*l.* tax to pay. In all probability if he attempted to proportion it, he would almost imperceptibly raise 6*l.* and thus if that ratio was general, the public would pay 200,000*l.* and the revenue receive only 100,000*l.*, and taking more out of the pockets of the public than the public cofferer received, was to be held an indisputable proof of a bad tax. He said that it was not always the most money-getting shopkeepers who paid the most for their rents, many businesses depending on show, and rendering it absolutely necessary to have a shop in a fine situation.

Sir *Watkin Lewes* said, that he should ill discharge his duty to the citizens of London, whose confidence it was his ambition always to deserve, if he did not urge the objections made by them, and enforce them to the utmost of his ability. He conceived the tax to be partial and oppressive, and that it particularly affected the middling class of traders, who were not in a situation to bear so heavy a burthen, whilst the more opulent trader, the banker, and the wholesale dealer, were wholly exempted. The retail shopkeeper was obliged to take his house in the most public streets, and to pay a very great rent for it, and his profits were by no means proportioned to his expenses.

Sir *Herbert Mackworth* spoke also against the tax. He was convinced, that the tax would be felt as an oppression, and create great uneasiness and discontent throughout the kingdom.

Mr. Alderman *Watson* gave his opinion against the tax, describing in very feeling terms the severe operation it would have on a variety of indigent shopkeepers. He instanced the case of widows, who being left with small families, in distress, sold greens, let the upper part of their house, and retired to a dark and obscure corner at the back of their little shops, to rest with their poor infants. To oppress women, he said, he hoped would never be the characteristic of that House. But to oppress women labouring under the pressure of extreme penury, and struggling hard to procure bread for themselves and their helpless children, was the worst species of inhumanity. The alderman described a scene of distress that would probably be the consequence of the tax, if persisted in: it was a groupe of the petty shopkeepers, driven from their houses into the street to beg their bread, and grieved at observing the palaces of the proud, the mansions of the merchants, and the warehouses of the wealthy, all exempted from that tax, that had ruined them. Before he sat down, he said, he would recommend some taxes in lieu of the tax on shops. He remembered a right hon. gentleman on the Treasury-bench, had on a particular occasion said, the Church at one time had its share of the good things of the state, God be praised for it; but at this time the Law had taken care of itself. What he would propose was, that the state should have some share of the lawyers' fees. There were, it was computed, 5,000 attornies in the kingdom; a tax of 30*l.* upon each, would raise 150,000*l.*; that was 30,000*l.* more than the tax on shops was given for. Another tax that might go in aid of the tax on attorneys, might be a duty on cambrics, which would produce 40,000*l.* more.

Mr. *Fox* said, he should divide against the tax, declaring he did so, not more from having been waited on that morning by several of his constituents, who had furnished him with cogent reasons against the tax, than because he was thoroughly persuaded, it was a partial application of the House tax to shopkeepers only. He said, he knew, in a situation like that of Great Britain at present, to expect to have such taxes as would bear with an equal and nice distinction upon all ranks of persons, was an expectation idle in the extreme. He entertained therefore no such absurd expectation: but in imposing new taxes, care should and might be taken to avoid the imposition of any that were grossly partial and oppressive upon one description of people only. It was not temporary clamour, he said, that solely determined him against any tax whatever. It had not done so against the receipt tax, which he was persuaded was, all circumstances considered, as light and as equal an imposition as ever was laid. But he was sorry to hear, it was not yet universally paid by the consumer, notwithstanding all the pains that had been taken. His constituents who had that day called

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upon him, and among whom were several persons for whom he had no reason to entertain any great partiality, had proved to a demonstration, that the tax would fall on them wholly, and that it was to all intents and purposes a house tax, with a partial exemption of all who did not keep shops. He wished therefore that the tax might be abandoned, and perhaps in lieu of it a simple increase of the house tax, would be best to resort to; not that he did not foresee a great deal of objection against any increase of the house tax, but of two evils it was wise to choose the least; and a house tax was at least a general tax, and in so much as it was so, much fairer and more equal than a tax on shops.

Lord *North* could not agree with his right hon. friend that it would be prudent to double the house tax; he saw great objection to that proposition. What he would advise would be, instead of abolishing hawkers and pedlars, to double the tax on them, and let them continue to exist, for there were parts of the country that would be greatly distressed for want of them. As to their being encouragers of smuggling, if they had not been so, he believed they would be the only set of tradesmen in existence, who did not encourage it in one degree or other. It was by no means an easy task to find taxes for such a sum as 120,000*l.*; he therefore should certainly divide in support of the tax, though he should have no objection to having a better tax substituted in its stead, if a better could be found. There was a tax that he would mention, that might probably be of use. When he had proposed the tax on auctions, not wanting more than 37,000*l.*, there had been three exemptions in the tax, which he saw no reason not to tax, when money was wanted; they were, the sales of the Hudson's Bay Company, the sales of the East India Company, and the sales in Chancery. The East India Company's sales amounted to 3,300,000*l.* per annum, which at 3*d.* in the pound would produce 61,000*l.*; and he should imagine, the two other sort of sales, those of the Hudson's Bay Company, and those in Chancery, would produce a round sum.

Mr. *Rose* said, it was a universal complaint that hawkers and pedlars were suffered to exist, and even in this metropolis they were a tax upon the fair trader. He assured the House, that a few days since a capital hosier in the city informed him, that a pedlar came and stood at his door with silk stockings on his arm, and stopped his customers as they came to his door, saying to them, "Buy of me, I'll sell you silk stockings as cheap as that man can sell you thread." This he had every reason to believe to be a fact, though where the pedlar got the stockings, God only knew.

Mr. *Pitt* said, that the practical investigation and calculation of new taxes, was of a very different nature, from the vague and theoretical speculations of persons unconnected with finance. This was extremely evident, from the great facility with which every gentleman who amused himself with such subjects, brought in his budget, at the time when the Chancellor of the Exchequer, whose official business it was, found himself, on the opening of every new tax, under difficulties that it required the greatest fortitude to resist, and which were perhaps greater than attended any other executive department of government. For the truth of this he appealed to the noble lord in the blue ribbon, believing, that although he had been so longexercised in the business of financiering, yet the budget he had just then opened, was of all others that he had been concerned in the least oppressive or burthensome to his feelings. He proceeded to examine the different subjects of taxation which had been proposed in the course of the debate. And first he observed, that although, perhaps, a tax upon attornies might in a certain degree be an eligible one, yet certainly no gentleman could be sanguine enough to expect it to be productive to the amount of 150,000*l.* He was by no means surprised, that many gentlemen should be desirous of seeing such a branch of taxation adopted, as there were several motives of various kinds that might induce them to it. Some in their zeal for the revenue, and others with a view to a useful regulation, would be glad to see that body of men made instrumental to the service of the state; but there was another set of gentlemen, who would still more warmly embrace the idea of a tax on attornies from resentment: he made no doubt there were many gentlemen in the House, who, when they had compared the amount of the losses they had themselves sustained through the means of that set of men, with the sum now proposed as a fit tax upon them, would perhaps think that sum by no means too considerable. But how-

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ever it might be effectual towards the gratification of resentment, it would by no means be consistent with the principles of finance; for by laying the tax so heavy, the object of it would cease, there being out of the supposed number of attornies, very few able to pay so large a sum by way of annual tax. With regard to the proposal of a tax on cambrics, although the prohibition at present existing against that article had been laid on under circumstances that were now changed, and from motives which were now at an end (the encouragement of manufactories in Scotland and Winchelsea, which no longer existed), yet still he believed many gentlemen would acknowledge, that it would not be prudent in him for the present to give any opinion on the expediency of taking off the prohibition; but at all events he must join in opinion with the noble lord rather than the hon. alderman, with regard to the produce of such a tax, the latter having estimated it at 40,000*l.* and the former at only 20,000*l.* Another part of the noble lord's budget, which was to produce upwards of 60,000*l.* was one that he could by no means approve of; namely, the tax on the auctions of the East India Company. His objections to this tax were such as he was certain would appear to the House perfectly satisfactory, and set it in such a light as would fully justify him in rejecting it. If the East India Company were able to divide above a certain sum, the surplus was to go to government; to what purpose, then, would it be to take a part of that surplus as a tax, which in the present system belonged to the public already? And, on the other hand, the House had lately heard a vast deal of the necessity there was for parliament to support and relieve the Company, should there be a deficiency in its resources; in this case, therefore, we should only take from them merely for the purpose of giving them the more by way of relief. With regard to the tax now before the committee, he acknowledged it was a tax against which much public discontent had appeared; but in the situation of the country, so burthened with debts, and so long oppressed with the calamities of a tedious, unfortunate, and expensive war, all the more obvious and eligible objects of taxation were already pre-occupied, and almost exhausted; the finding out new sources of revenue therefore was become, in a greater degree than it ever had been known, an option of evils. He felt many of the hardships complained of in the present tax, and he regretted them most sincerely. But still, notwithstanding he felt that the tax was severe, he also felt that there was no other that would not be still more so; and although this tax was perhaps attended with a more violent and more universal opposition than most others would be, yet that very circumstance in itself so unpleasant, proceeded from others, which he thought considerable recommendations of the tax itself. One reason of the universality of the opposition, was the universality of the operation of the tax; this surely was a thing always to be looked for in taxation. Another reason for the unpopularity attending it was, that it was to be paid in hard money, and in certain sums. This, however, was another desirable quality, and one which it had always been his principle to look for in every scheme of finance in which he had been employed. He combated the idea, that the city of London had any reason to consider this as a partial tax, by making a distinction between the principle and the operation of a tax. It could by no means be contended in this instance, that the principle was in any degree partial; because it affected all shops alike, without any distinction, except such as arose from the difference of rent: but he confessed it might raise more money in the city of London, than in any other part of the kingdom in proportion; not because it would operate on a partial principle, but because it would find in that city and its neighbourhood a greater proportionable quantity of materials to operate upon. He still contended, that the rent of the House was a fair criterion by which to judge, and the amount and value of the business carried on in the shop. He argued strongly, that this tax by no means affected all alike; for it certainly fell on the greater dealer more heavily than the lesser, and that ultimately in proportion much greater than the difference between the payments of each. The principle of trade, as had been stated already, was, he said, confined to those two articles, the price of goods, and the profit of the retailer. This last was governed by the opportunity the dealer might enjoy of making a favourable competition with other traders. Now as far as this tax went, it gave the inferior tradesman an advantage, inasmuch as it was to fall much less heavy on him in proportion, and therefore gave him a better opportunity of forming such a con-

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petition. After speaking with great feeling on the disagreeableness of subjecting to taxation a person who was a proper object of charity, he observed that there could scarcely be a tax conceived in the operation of which, in some one instance or other, this would not happen. He said, that he had not heard sufficient argument to persuade him that this tax would not at length fall upon the consumer; on the contrary, he was convinced it would in many instances, which would therefore so far tend to remove the grievance of the shopkeeper.

Mr. Alderman *Sawbridge* gave his opinion against the tax in very strong terms, declaring it to be a most severe and stinging scourge exercised over the cities of Westminster and London, and the borough of Southwark. That the right hon. gentleman should wish to have Westminster punished for its political misdeeds, he marvelled not; but why he had hurled his vengeance on London, that had greeted him with a glad procession, he was at a loss to imagine, and still more at his involving Southwark in the general punishment; for surely Southwark had made an ample and a grateful sacrifice in giving up a tried and faithful representative, merely for not having approved of the unconstitutional steps taken by the right hon. gentleman to get into power. This shewed what it was to be in bad company; thus the innocent were involved with the guilty, and London and Southwark blended with wicked Westminster.

The House divided:

Tellers.

Yeas	Mr. Eliot - - - - -	143
	Mr. Rose - - - - -	
Noes	Mr. Ald. Newnham - -	51
	Mr. Ald. Sawbridge - -	

The Bill was then read a second time.

May 26. The order of the day being read for going into a committee on the Shop Tax Bill, and a motion being made, that the Speaker do leave the chair,

Mr. *Jolliffe* rose, declaring that in no instance whatsoever was his conduct influenced by a desire of popularity, and in this particular least so of all others; indeed, so little had he it in view at present, that he would not for that purpose be even at the trouble of submitting to the committee the observations he was now about to make. The principle and tendency of the tax was that to which he objected, and which he wished to oppose. In doing this, he did not think himself obliged to abide by that line of conduct which was so generally recommended, and particularly so by his right hon. friend (Mr. Fox), namely, that in opposing a tax, it was necessary to be prepared with some other by way of substitute. He conceived it to be the duty of a chancellor of the exchequer to find out proper objects of taxation; and should we have occasion to raise a particular sum, it was his business, when the House thought proper to disapprove of any of those he offered, to be ready to propose others to replace them. The tax now in agitation, was deficient in all those requisites which he thought indispensable to constitute a good tax, and possessed all those objectionable properties which should always be resisted; namely, it was unproductive, oppressive, and would impose a much greater contribution on the public than would come into the coffers of the revenue. To prove that it was oppressive, he had only to put it in either of these two points of view; the shopkeeper would be enabled to indemnify himself on the public, or he would not: if he should indemnify himself on the public, it must be in a proportion far beyond what the tax imposed on him; and if he should not indemnify himself, then the tax was indisputably partial and oppressive. There were other objects which were much more worthy of taxation, some of which, though by no means an obligation on him, he was ready to state to the House. He always considered that tax to be the best which came most directly at luxuries, and operated on those best able to bear it; for which reason, he would recommend an additional tax on carriages, of 3*l*., which would, on the smallest calculation, produce 50,000*l*. and much more were it properly collected: a tax on attornies he also esteemed a very proper one; and though he would not take it at 30*l*. per head, yet stating it at 20*l*. per annum for each practitioner, he was well founded in asserting, that it would not amount to less than 60,000*l*. The third article which he would propose, was not equally certain in the produce, and depended much on the discretion with which it should be laid; yet he made no doubt, that it would be a sufficient addition to the 110,000*l*. he had already provided for, to leave no occasion for the imposition of the present duty; he meant what had often been mentioned, but unfortunately in his

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opinion, not much attended to, a tax on places of public amusement; without an over-sanguine estimation, the tax might well be taken at 20,000*l*. The right hon. gentleman had not attended to the situation and circumstances of those who were generally concerned in retail shops, or he would know they mostly consisted of servants, who had, by being industrious, saved as much as enabled them to enter into some line of business; sometimes persons depending on the charity of Chelsea, and other hospitals, or interests on small annuities. These people, though little within the knowledge of the right hon. gentleman, and unattended to of course, were often obliged to stint themselves of some meals in the week in order to make their little property answer, and should the present addition succeed to their other burthens, would be totally ruined. He therefore submitted to the humanity of the right hon. gentleman, whether he would persevere in a tax so oppressive, so odious, and so unequal.

Mr. Alderman *Sawbridge* said, he had every disposition to resist a tax so partial in its operation, and abandoned in its principle; yet understanding that some modifications were to take place in the committee, he was willing to try how far they might extend, at the same time reminding the House, that while the tax bore hard on the lower orders of the community, there were not, perhaps, five members of parliament whom it would affect.

Mr. Alderman *Townshend* said, he understood proposals had been made to the Chancellor of the Exchequer for extending the operation of the tax to all persons subject to the bankrupt laws, by laying a duty of 5 per cent. on their houses. Should this mode be adopted, much of the objection on the score of partiality would be removed.

Mr. Alderman *Newnham* said, while he disapproved of the tax *in toto*, he thought such a modification as that now mentioned would make the burthen more tolerable to those who should otherwise consider themselves peculiarly and unjustly oppressed; he was therefore induced not to take the sense of the House previous to going into a committee.

Mr. *Pitt* acknowledged that proposals had been made to him for extending this tax to all subject to the bankrupt laws: but he had many objections to this; one of the principal of which was, the difficulty of ascertaining, with any degree of accuracy, who were and who were not liable to them.

After this the House went into the committee; when, on the first clause being read, Mr. Alderman Newnham moved an amendment, the effect of which would be, to separate the assessment of the shop from the house, and make the tax operate on the former only. On this, much conversation ensued, in which Mr. Fox and others contended, that the tax being entitled a shop tax, it would be proper to find some other criterion of estimating the value of the shop than by the rent of the house. Mr. Pitt persevered in defending the original mode. A division took place on alderman Newnham's amendment: Yeas, 38; Noes, 79. The Bill being gone through, the House resumed, and the report was ordered to be received to-morrow.

May 30. The order of the day for the third reading of the Bill being read,

The Earl of *Surrey* rose once more to object to the tax, and to state that he was authorized by a meeting of shopkeepers and tradesmen to propose it to the right hon. gentleman to change his tax, and instead of keeping it, as at present, at the rate of 10 per cent. on all the shopkeepers, to lay it at 5 per cent. and extend it to all warehouses, repositories, &c. After saying, that if the proposition he had stated were acceded to, the tax would be much more generally palatable than it was, he concluded with moving, by way of amendment, to leave out the word 'now,' and insert 'Thursday next.'

Mr. *Rose* said, that to accede to the noble lord's proposition would be to relinquish a very considerable part of the sum for which the tax had been given, and therefore it would be in the highest degree impolitic to adopt the alteration.

Mr. Alderman *Newnham* strenuously contended against the tax as extremely hard and partial, and as one of the worst that had ever been proposed. To his knowledge, a tax had been suggested to the right hon. gentleman, which would produce a larger sum, would be easily collected, would scarcely be felt by the public, and was every way a more eligible tax. He hoped, therefore, he would consent to give up the proposed tax, and substitute in the place of it that to which he alluded.

Mr. *Mainwaring* said, he held it to be

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his duty to oppose the tax in every stage of it, from motives of justice to a great number of individuals, who would be deeply injured by it.

Mr. *Hammet* opposed the tax. From the first moment it had been proposed, he considered it as partial and unjust in the extreme: since he had the honour of delivering his sentiments to the House upon the measure, he had had the pleasure of receiving instructions from his constituents to oppose the Bill in every stage. He suggested a tax of sixpence in the pound on houses, as a tax that would bear more equally on property. He said, in proposing this tax, instead of that on shops, he had no view to any thing but equality and fairness.

Mr. *Drake* admitted that taxes were now become a mere option of evils; the taxes on luxuries, he said, were liable to the imputation of not being productive, and the taxes on necessaries nearly exhausted; nevertheless, there was some choice left. He exclaimed against the present tax: he paid Mr. Pitt compliments on his eminent abilities, his patriotic heart, and his excellent understanding; he expressed his surprise, therefore, at his persisting to enforce a tax so universally odious and unpopular.

Mr. *Smyth* (member for Pontefract) said, he had received instructions from his constituents to oppose the tax; and though he thought the paying a blind and implicit obedience to constituents in all cases, was not only to admit a doctrine dangerous to the independence of that House, but to sacrifice their own judgment, yet he was of opinion, that the utmost deference should, on every occasion, be paid to the wishes of those who were to be materially and personally affected by any measures of government that were in agitation in parliament; he therefore should vote against the tax.

Mr. *Pulteney* reasoned against the tax: he said it was liable to much objection; if it was paid by the shopkeepers it would operate personally and partially on a particular description of persons, and would be too heavy a burthen for them to bear; if it fell upon consumption, then it would be impossible for the public ever to know how much they paid; they would, however, pay a great deal more than the tax was given for, which was a bad consequence of taxation.

Mr. *Sawbridge* desired to ask a question before he proceeded to argue against the Bill. Had not the right hon. gentleman had another tax proposed to him by the shopkeepers, which would produce more, without being equally liable to objection?

Mr. *Pitt* said, he undoubtedly had heard of another tax, a tax on shoes, to which a worthy magistrate had alluded.

Mr. *Sawbridge* said, as the right hon. gentleman had admitted that another tax had been proposed, and as he had named it, he would explain to the House upon what sort of computation the sum stated to be produced by such a tax was to be ascertained. The alderman then said, that it was calculated, that there were eight millions of people in this kingdom; four millions were allowed for children or poor, whose shoes were exceedingly low priced; of the rest, two millions of people bought two pair of shoes each a year, of the value of from four to five shillings the pair; on these it was suggested that a two-penny stamp might be impressed, which would raise 33,000*l.* 6*s.* 8*d.* That one million of persons purchased three pair yearly, from five to six shillings, upon which a four-penny stamp might be placed, and that would produce 50,000*l.*: and that one million of persons purchased three pair yearly of six shillings value and upwards; upon these it was proposed to affix a stamp of sixpence, which would produce 75,000*l.* A million pair of boots it was also supposed were bought annually; upon these it was designed to impose a stamp duty of one shilling per pair, which altogether would amount to 280,333*l.* 6*s.* 8*d.* The alderman reasoned on this new proposition, and asked to what was it the public were to attribute it, but to the obstinacy of the right hon. gentleman, which made him so pertinaciously adhere to what he had once proposed, that he persisted in forcing a tax upon them that was universally complained of as partial, oppressive, and unjust?

Colonel *Phipps* said, the only objection to the tax that seemed to have any weight was, that it would fall wholly on the shopkeeper; this, he thought, would not be complained of, if shopkeepers were allowed to put a per-centage on all book debts.

Mr. *Medley* defended the tax, and observed, that he liked it the better because it was likely to be paid by the shopkeeper himself.

Mr. *Windham* spoke against the tax. He began by declaring, that he was instructed by his constituents to oppose it, and that their instructions were perfectly

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consistent with his own private sentiments. He said the argument had got into a dilemma; that on the one hand it was contended, that it would fall personally on the shopkeeper, which if it did, it was pretty generally admitted that it would be entitled to the epithets of partial, oppressive, and unjust, with regard to the particular set of individuals it would press upon. On the other hand it was urged, that if it fell upon consumption, the public would pay a great deal more towards it than the revenue would receive. Mr. Windham asked upon what principle of taxation was the shop-tax founded? It was a general maxim that equality was the right principle of taxation; but in the present case, it appeared that inequality was the principle adopted. He reasoned upon this, and illustrated his observation by reminding the House, that when the house-tax was passed, it was found to bear equally upon shopkeepers, and it had been admitted that it did so accidentally: that inequality, however, strange to tell, was here made the basis of another tax, and carried much farther. This, Mr. Windham reprobated as the extreme of injustice. He was aware, he said, at the same time, that perfect equality was a mere chimera, and not to be hoped for or expected; but something nearer to equality might be had, and ought to have been sought after. There were, he remarked, two modes of imposing taxes; either to lay them specifically and immediately, or to lay them generally, and leave them to be distributed on articles of consumption by those who were to pay them in the first instance. This latter mode was often convenient to ministers, but it was generally inconvenient to the public, because it exposed them to pay the taxes imposed over and over again.

Mr. *Pitt* said, that it was by no means fair, to consider the tax simply as one either on the income of the trader or on the general consumption, but of a mixed nature, comprehending in it the principle of each of these two species of taxation. Where the profit on the articles of trade was such as would bear the payment of the tax, there the trader would pay it for his own sake, and it was fair that he should. But where, on the contrary, the profit was inconsiderable, the tax would be levied by the shopkeeper on his customers. He disputed Mr. Windham's idea, that the practice and views of shopkeepers were merely to obtain such a profit as they could live on; on the contrary, their object always would be, to make as great an advantage by the sale of their commodities, as the necessity of a competition with other traders would permit. Hence, then, there was no greater danger, after the passing of this tax, of the smaller traders falling a prey to the more opulent, by laying them under burthens which the latter could bear better than the former; because the richer shopkeeper being still governed by the principle of trade (that of acquiring the greatest profit he could safely look for), would not be more ready to abate in his prices now that the competition with the poorer trader had become still more unfavourable to him in consequence of the increased proportion of the burthen which comparatively he was to bear.

Mr. *Fox* repeated the arguments he had formerly urged, in proof that it was a partial house-tax, and not, as it was called, a tax on shops. He enforced Mr. Windham's position, that it was an extension of that inequality which had been the characteristic of the house-tax, and contended, that it would be impracticable for the tax to be distributed among the articles of consumption, because a twenty, or even a thirty-pound tax, could be better afforded to be paid or given away, as it were, by the large shopkeeper, whose returns were quick and to a large amount, than the petty shopkeeper could afford to pay the small tax; and if the petty shopkeeper attempted to distribute the tax on the several articles he dealt in, inevitable ruin must follow; because, undoubtedly the public would not buy at the petty shop where the articles were all sold at an advanced price, but at the capital shop where they were sold cheaper, and thus the capital shopkeeper would be enabled to ruin the lesser. For these reasons he should vote for the amendment.

Mr. *Coke* said, he had received instructions from his constituents to oppose the tax, which he considered as a smaller injury preceding the very material one that was going to be done the commercial and trading interests of the country, by voting the resolutions founded on the Irish propositions, that in two hours time would come under the consideration of the House. He had that day presented a petition from 2,500 of his constituents against those resolutions; and added some remarks to prove, that the shop-tax and the Irish business were both fatal attacks on the trade and commerce of the country.

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The House divided on the question that the word 'now,' stand part of the motion: Yeas, 114; Noes, 87; The question was then put, 'That the Bill do pass.' The House divided again, and the numbers were: Yeas, 111; Noes, 75.

Debate in the Commons on the Excise Jurisdiction Bill.] June 3. The House having resolved itself into a Committee on the Bill "to explain and amend the several Laws, now in being, giving Jurisdiction to the Commissioners of Excise and the Justices of the Peace, in matters relating to the Revenue of Excise, or Inland Duties," the Attorney General, Mr. Pitt, and Mr. Cornwall, stated some grounds of objection, which they intended to submit in a future stage.

Mr. *Beaufoy* said:—This Bill has undergone so little discussion, and is at the same time of so much importance, that I cannot help wishing, before we proceed to examine it clause by clause, to point out, with the permission of the committee, what are its principal objects. The objects of the Bill are, 1st. To reduce into one act those various provisions respecting the excise jurisdiction that are now dispersed, without regularity or the least degree of order, through a great variety of statutes. 2d. To reconcile those provisions to each other, and render the law consonant to itself. 3d. To improve the system by giving to the subject, on certain conditions, and without certain exceptions that are necessary for the security of the revenue, an optional right of trial by jury in questions of excise. The utility of the first of these objects, the reducing into one act such provisions in former acts as relate to the excise jurisdiction, will not, I believe, be disputed. At present a knowledge of the powers of the commissioners of excise, and of justices of the peace in questions of excise, can only be collected from the perusal of a vast variety of statutes, in which judicial regulations are mixed with provisions of a totally different nature. If the subject is bound to give obedience to any particular jurisdiction, he has certainly a right to know what that jurisdiction is, and what are the limits of its powers; but at present, to obtain that information, he must look through all the statutes that compose the voluminous code of our excise laws. I have therefore endeavoured to reduce into one act the provisions of former acts; and though I have not so much confidence in the success of my endeavours as to insert in the Bill a general repealing clause, yet I am in hopes that no material omission will be found; and I am happy to say, as a much better security for correctness than any diligence of mine, that the Bill has been submitted to the inspection of the commissioners of excise and their solicitors, and to that of persons of the highest authority in the law.

My next object was to render the different provisions of the old law consonant to each other. I found, for example, that in some cases an appeal is given from the judgment of the two justices, who are empowered to decide in the first instance, to the judgment of the justices assembled at the quarter sessions; and that in other cases, without any discoverable reason for the difference, no such appeal is allowed: it is given, for instance, in questions arising upon malt and leather, and not in questions arising upon any other commodities. The Bill proposes to give this appeal in all cases of decision by justices of the peace. In some cases, as the law now stands, the commissioners of excise have a power to mitigate penalties to a third of their amount; in others to a fourth; in others to any sum not less than double the amount of the duties; while in practice, they frequently, from motives of compassion, mitigate almost to nothing: the Bill proposes that they shall not be permitted to mitigate any penalty to less than a fourth of the whole. In some cases, as in all adjudications of penalties, the judgment of the commissioners of excise is held to be not only final, but also conclusive to all intents and purposes: in other cases, those I mean of goods seized as forfeited, it has been held in one of our courts of common law, but not in the other two, that the adjudication of the commissioners is merely final. I shall have occasion to explain the nature of the dispute, which is of more consequence than appears at first view, when the clause which relates to it is read; and I shall then state the reasons that induce me to think that, as an optional right of trial by jury is given by this Bill in all cases of forfeiture of that kind to which the dispute relates, the judgment of the commissioners, if the subject takes them for his judges, should be conclusive to all intents and purposes. The Bill also proposes virtually to abolish the future appointment of commissioners of appeal, and of sub-commissioners, because, in practice, neither the one nor the other have any

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existence. Such are the most material of those alterations that are proposed with a view of giving uniformity and system to the old law. I believe they will be found, in all respects, considerable improvements.

I come now, Sir, to the third, and unquestionably the principal object of the Bill, which is, the giving to the subject, on certain conditions, and with certain exceptions that are necessary for the security of the revenue, an optional right of trial by jury in questions of excise. The reasons that have led me to propose this change in the law—a change which the learned gentleman near me, in the few words he has used on this occasion, has represented as of such fearful consequence, I shall gladly submit to the consideration of the committee when this part of the Bill is read. I respect, at all times, the abilities and the character of the learned gentleman; but, with the ancient common law of the land, and our venerable constitution on my side, I am much more disposed to meet than to decline the contest.

The Bill went through the committee.

June 14. The report from the committee on the Excise Jurisdiction Bill, being brought up,

The *Attorney General* said:—I have many objections to the Bill: it is impossible, at any rate, that I should give my consent to its passing this year, for it is a Bill of the greatest importance, and requires much consideration. The hon. gentleman who framed it, stated with great eloquence, at the time he introduced it to the House, the principal objects of his intended reform. Two of them every man must approve. I mean the introducing into one act the provisions of former acts, and the reconciling those provisions to each other. This part of the Bill is executed with great ability, and, if unconnected with his third object, would receive universal approbation. But the hon. gentlemon is not contented with this limited plan: he wishes to extend to excise cases the trial by jury: he wishes to give the subject an optional right to that trial in all questions of excise. Now, Sir, it is impossible not to foresee infinite mischief from this part of the Bill. The revenue could never be collected; the trial by jury is not sufficient to enforce the collection, and every man, if there was an information against him, would claim the right of trial by jury. It would be impossible for the court of Exchequer to go on. Why, Sir, there are 6,000 causes tried every year in the summary courts. Now, if all these causes were to be brought into the court of Exchequer, how would it be possible for the court to proceed? Sir, it is very dangerous to disturb the settled order of things, and to reverse establishments that have stood the test of a century. For these reasons, I should have objected to the Bill as it originally stood; but the alterations that were made in it in the committee oblige me to object to it for another reason, which is, that while it may do a great deal of mischief, it can do no good whatever. The principal articles of excise are excepted from the general operation of the Bill. Now it may do a great deal of mischief by making those uneasy who are concerned in the excepted trade, and who will think they have as good a right as their neighbours to the trial by jury; and it can do no good, because the number of articles on which the Bill will be permitted to operate will not be sufficient for the purpose even of experiment. For these reasons, I move "that the farther consideration of this Bill be adjourned till this day three months."

Mr. *Beaufoy* said:—In rising to combat the doubts, and answer the objections of the learned gentleman, I am sensible I shall speak under circumstances of unusual disadvantage: for, independently of the apprehension I naturally feel of his talents and professional knowledge; independently, too, of the weight which his personal character, in other respects, gives to his arguments, I have also to contend with the authority he derives from the high office which he holds in the state. It is, however, an encouragement to me to know that he wishes his opinions should be fairly examined and unreservedly discussed, and that he does not require that any thing should be conceded to authority which is not established by argument. From the doubts expressed by the learned gentleman, three questions arise—1. Whether there be any just reason to complain of the law as it now stands? 2. Whether the adopting the principle of this Bill will, in practice, be attended with any hazard to the revenue, or with any other inconvenience in practice? 3. Whether the alterations made in the Bill, in its progress through the committee, have not destroyed the possibility of its being useful?

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The first question, then, is, is there any inconvenience in the present law? Sir, as the law now stands, the officers of the revenue may refuse to the subject, in all questions of Excise, his right of trial by jury, to the total disregard of the common law, and of all the maxims of our ancient jurisprudence. In eight-and-forty hours he may be convicted in penalties that shall devour his whole fortune, deprive him of the means of life, and reduce him at once from affluence to beggary. If the penalties which are thus imposed shall be more than his all is sufficient to discharge, imprisonment inevitably follows, and that too of a duration to which the law has assigned no limit. If he cannot pay the penalties, the hour that releases him from his prison will be that which carries him to his grave. Let it also be remembered, that these afflictive, these ruinous convictions may be brought upon him by the judgment of men who are in no respect his peers, and who, as officers dependent on that very revenue, against the interests of which he is supposed to have offended, are, in some measure, parties against him. To increase the hazards of his situation, the testimony of a single witness is made sufficient to convict him, and that witness is under the strongest temptations to perjury; for he knows that he is entitled to one-half of the goods that shall be forfeited, together with one-half of the penalties that shall be imposed upon the accused, if judgment shall be given against him. Thus the witness is impelled to swear forcibly by the certain knowledge that if he can destroy the fortune of the accused, his own will be established on its ruins. At this very hour the commissioners of excise are in possession of a seizure, whose value is supposed to be little less than 10,000*l*. I mean the late seizure of a large quantity of spirits from Scotland. Now, if the commissioners of excise, instead of directing their officer to prosecute in the court of Exchequer, should themselves proceed to give judgment in this important cause, as by law they are empowered to do, the witness, if the goods are condemned, will be entitled to no less a sum than 5,000*l*.

I do not mean to say, that to a man who has scarcely a livelihood, whose all is but 50*l*. a year, the prospect of obtaining 5,000*l*. would hold out such a temptation to perjury as he would not be able to resist; my experience of human nature does not justify so harsh a conclusion; but confident I am that his wishes, at least, would be adverse to the accused; that a bias insensible perhaps to himself, but strongly operative on his evidence, would perpetually lead him to those circumstances in the case that are most presumptive of guilt, and would urge him to declarations partial at least, and fraught, at the best, with coloured facts and mutilated truth. Thus, as the law now stands, the subject, in eight-and-forty hours, may be stripped of his fortune, and imprisoned for life, at the discretion of an arbitrary court, on the evidence of a single witness, and that witness under the strongest temptations to perjury. Does the learned gentleman really think that on such evidence, by such judges, such penalties ought to be inflicted?

There are also other dangers to which he is exposed; for, without either fault or neglect on his part, he may be deprived of the common privilege even of the greatest criminals; for he may be condemned unheard. Nor let it be imagined that the members of this House are interested on this occasion only in the cause of others. There is not a gentleman who hears me that is not personally liable to the sudden and summary procedure of this despotic court. Has he forgotten to enter his carriage? or does an informer falsely charge him with not having entered it? or does the informer, who perhaps has seen him coming down to the House in the carriage of a friend, charge him with using a carriage for which he has paid no duty? In short, is there upon any ground, bad or good, an information against him? If there is, and the law is executed, a summons issues for his personal attendance on the commissioners in three days time, or the notice may be shorter if they please. The summons being thus issued, the law does not require that it should be given to him. If it is left with his servant, or with his child, or in the key-hole of his street-door, it is perfectly sufficient; the law does require no more. If he is in town, he may not receive the summons; if he is in the country, it is scarcely possible he should receive it. His servant, perhaps, sends him the piece of paper, of which he does not know the meaning, with his letters, by the post; but it arrives too late: for, in the mean time, guilty or innocent, he is condemned for non-attendance—judgment is given against him: perhaps, anxious to prove that, at least, he was not

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a voluntary trespasser on the law, he hastens to town—Sir, if the law is executed, he will find an exciseman levying on his goods, and the officers of justice in possession of his house. I know that, in these mild and beneficent times, the commissioners of excise have too much discretion to execute the law in its utmost rigour, or to give to its operations such unnecessary speed, especially towards persons who are in the highest situations of life: but I also know that there is nothing but their discretion to restrain them. I am sensible, too, that the Chancellor of the Exchequer, from that regard to the rights of the subject which governs all his proceedings, has given notice of his intention to bring in a Bill for entrusting to other hands the collection of the duty on carriages; but I am likewise sensible that what I have stated is, at this hour, the law. I am persuaded, too, that the House will not feel their desire of relieving the people from a hard and oppressive law in any degree diminished by the consideration that they themselves are no longer exposed to its effects.

The only question with the House will be, will this Bill be attended with any hazard to the revenue, or be any impediment to the practice of the courts? The learned gentleman is of opinion that both these evils will follow. I consider myself as at issue with him on these points. Let us examine the proofs. First, then, he declares, that the revenue could not be collected under this Bill; for that the process of trial by jury is not sufficient to enforce that collection. Sir, there is certainly one description of cases, it is that which is expressly excepted by the Bill, in which the trial by jury would be too slow to arrest the progress of fraud. This description of cases consists of all those which are distinguished in law by the forfeiture of double duties. I will beg leave to explain to the House the meaning of the term. When any person who is subject to the excise laws refuses or neglects to pay the duties with which he is charged, the law directs that he shall forfeit double the amount of the duties which he thus withholds. Now, in cases of this sort, no other process but that of the summary courts can fulfil the intention of the law: for, if a distiller should refuse the payment of the duty which arises from the spirits he manufactures, his fortune, if he is considerable in his business, would accumulate by that detention at the rate of 5,000*l.* per month, and, before the slow process of trial by jury could have given effect to the law, he would have retired with enormous wealth, beyond the reach of the government which he had thus defrauded. It is therefore undoubtedly requisite, that all cases of the forfeiture of double duties should be determined in the summary courts; and accordingly all those cases are excepted in express terms from the general operation of the Bill. Thus the collection of the revenue is effectually protected; for that collection is enforced by the forfeiture of double duties; and all such cases of forfeiture are by this Bill expressly excepted from the change which, in other questions of excise, it proposes in the law. Does the learned gentleman know of any other description of cases in which the sudden and summary procedure of a despotic court is requisite for the security of the revenue? I know of no such cases: the two commissioners of the excise, who were appointed by the board to report their opinion of the Bill, knew of no such cases: I am persuaded the learned gentleman himself has none to produce.

Sir, I cannot prevail upon myself to take leave of this part of the subject without assuring the House, and I rejoice in being able to do it, that in the case of a forfeiture of double duties, which forms, as I observed, an exception in the Bill, the powers of the summary court cannot be employed injuriously for the subject; for it happens, that in questions of that kind there is no discretion in the court; and where there is no discretion, there cannot be abuse. That the judge can have no discretion in any case of the sort I have described, will be evident, if we consider that in such a case the truth or falsehood of the only charge to which the subject is exposed cannot be a matter of doubt; for the charge must be, that he has not paid the duties required by law. Now, if he has paid those duties, proofs the most conclusive are certainly within his reach. For, to say nothing of the number of clerks who are generally in the office at the time of such payments; to say nothing of the chance that other persons were attending at the same time for the same purpose, it is evident that the production of the receipt which is invariably given is conclusive evidence in his favour. Thus it appears, that with regard to the question of fact, the court can scarcely be said to be possessed of any discretion, for the proofs must be decisive;

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and against such evidence they never, for obvious reasons, will venture to determine. With respect also to the extent of the penalty to be inflicted, there is no discretion in the court unless it be that of mitigation in favour of the subject; for the penalty is strictly defined, it is double the amount of the duty unpaid; it cannot be extended; there is precision in the law.

But the learned gentleman will tell me, perhaps, that although I have in this manner effectually provided against any immediate danger to the revenue by the duties being withheld; yet, that eventually the revenue may suffer by the court of Exchequer being overwhelmed with business, for the learned gentleman imagines that every manufacturer will take the benefit of an Exchequer suit. To determine how far this is likely to be the case, let us examine what are the conditions and what the disadvantages of the removal of a suit from the summary jurisdiction to the court of Exchequer. In the first place, the expense of the trial, even if he obtains a verdict in his favour, will not be less than 60 or 80*l.*; and if he does not succeed, it will be double that sum; for, in case of forfeiture, the Crown, departing from its usual rule, demands costs of the defendant. Thus the decision of a cause in the court of Exchequer brings upon the subject an expense at least of 60, and perhaps 120*l.*; whereas in the summary courts the trial will cost him nothing. In the second place, the subject will recollect, that the court which tries by a jury, has no power to mitigate penalties: if his cause is decided in a summary jurisdiction, and judgment should be given against him, the rigours of the law may be softened by the compassion of the court, and the penalties prescribed for the offence be reduced to a fourth, perhaps to a twentieth or a fortieth of their amount. Whereas, in the court of Exchequer, the whole penalty must be levied. In the next place, the subject will consider, that if his goods have been wrongfully seized, and judgment in his favour should be given by the summary court, nothing can bar him of his right to sue the seizing officer for damages: whereas, if a judgment in his favour should be given in the court of Exchequer, the barons may deprive him of his right of action against the officer who wrongfully seized; for they may certify, that the officer had a probable cause of seizure, in which case no action against him can be brought.

Under all these circumstances of disadvantage, I am confident that the subject will claim his trial by jury, only in two descriptions of causes. He will claim it in causes of great magnitude, where the consideration of the expense of the trial is lost in that of the value to be tried. And he will always claim in any cause in which he suspects that the judge of the summary court has conceived a prejudice against him. 'I know' (he may say) 'that my neighbour, the justice, is my enemy; I am confident he will give judgment against me, with a view to blast my character, ruin my trade, and deprive me of the means of life. In this situation, I am determined to throw myself upon my country; I am conscious of my innocence; and be the expense what it may, I will be tried by my peers.' Such are the two cases in which the subject will take his trial by jury; and God forbid, that in either of these cases that trial should be refused him! Does the learned gentleman imagine, that cases of this sort will be so numerous as to overwhelm the court of Exchequer with business? Is there any likelihood in such a supposition? But, says the learned gentleman, 'Other cases will occur, for you are to recollect, that the party does not always consider what his interest requires; he follows the dictates not of his interest but of his attorney.' My answer is, it is not the attorney's interest to recommend his client to the Exchequer; for, if he lives in town, he must employ a clerk of the court, and if he lives in the country, he will employ an agent, and that agent must employ a clerk: thus, the fees will be consumed, and the attorney will find, that he has the conduct of a barren suit.

The last objection relative to the practice that has been urged against the Bill, is founded on an idea, that all the illicit manufacturers of the kingdom may combine together to overwhelm the court of Exchequer with innumerable suits. For if, says the learned gentleman, there should be such a combination, the court would be unable to try the multitude of suits, and justice would at once be suspended. Sir, there is, it must be owned, in this objection, something that imposes on the fancy; the imagination is startled at the vast magnitude of the suggestion. But let us examine the supposition on which it rests; like other chimeras, that impose for a moment on the fancy, it will disappear on a nearer view, and leave th

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judgment undisturbed. The supposition is, that the fraudulent distiller at Bristol, who conceals from his nearest relations, and from his most intimate friends, the secret of his frauds, will enter into confederacy with the wax-chandler in London, the soap-boiler at Coventry, and the starch-maker on the banks of the Tweed, to transgress the law publicly, with a view to ensure a prosecution for the purpose of removing all their suits at once into the Exchequer, in order to distress the judge. He expects this from men whose safety lies in the concealment of their frauds; he expects this from men who know that discovery will bring numberless officers upon them, who will charge them with double duties, to be sued in the summary courts. He expects this from men who know, that if they obstruct those officers, indictments must follow, which, together with the prosecutions for double duties, would ensure expeditious ruin, even if the court of Exchequer should be utterly abolished. When the learned gentleman talks of combination among the illicit traders, to oppress the Exchequer with a multitude of suits, I am surprised he does not also express his fears, lest a similar agreement among the thieves and house-breakers of the kingdom should overwhelm the court of King's-bench, and drive its venerable magistrate from the judgment-seat. May they not say, with an equal chance of success, 'Let us agree that each of us shall break the peace on one and the same day; let each of us knock down his man; we shall then have nothing to fear; for the indictments for assaults will be too numerous to be tried: the judges will renounce their offices in despair, and leave us to pursue our occupation without disturbance from the law.' The learned gentleman, through the whole course of his argument, reasons in such a way, that things which are scarcely possible are represented, first as probable, and afterwards as certain; his fears are proofs of a fancy wonderfully fertile; they are proofs of an anxious solicitude for the welfare of the public; but they are fears which sober speculation cannot but condemn, because they are such as practice can never realize.

The learned gentleman had also another reason of disquietude that seemed to impress his mind with unusual alarm, which was, the number of causes that are actually tried one year with another in the summary courts. He states them at more than 6,000. "Now, what," says he "will be the consequence, if all these causes should be brought for trial to the court of Exchequer?" Sir, the court has no such event to fear; for every man who knows any thing of the excise, must know, that of these 6,000 cases, a very large proportion are cases of unclaimed goods, which the owner, conscious of guilt, is afraid to acknowledge to be his, because, upon that acknowledgment, penalties attach. Now where there is no claimant, there can be no removal of the suit. Of the rest of the 6,000 cases, by much the largest part are cases of small forfeitures, or of penalties that are less than 20*l.*, and which are almost always mitigated down to five; a sum so very inconsiderable, that few men would contest its payment at the expense of an Exchequer suit. Thus it will be found, that if this Bill shall pass, the number of additional suits that will be tried in the Exchequer, will not be more than the court will be able to decide. And shall we, in order to avoid this small addition to the business of the court, persist in withholding from the subject that right of trial by jury which the common law of the land and our ancient constitution have given him? Shall we say to the subject, we admit that your wishes are consistent with justice; we admit that the language of reason is on your side; that the constitution pleads strongly on your behalf, and that the same principles which support the general law of the land do also support your cause; yet we cannot comply with your wishes, just and reasonable as they are, lest the barons of the Exchequer should say, lest the servants of the government, possessed of vast emoluments, should say, we have given them additional trouble, and increased the labour of their office?

Among the objections which the learned gentleman's ingenuity has enabled him to urge against the Bill, one there was which exceedingly surprised me; it was that which he drew from the clause which the Chancellor of the Exchequer proposed in the committee: that clause has undoubtedly rendered the Bill a bill of experiment, and has confined that experiment to a small number of articles. Sir, if that clause has lessened the value of the Bill, that diminution of its merit is not chargeable on me. I never proposed the plan as a plan of experiment, nor meant to give a partial and mutilated operation to the Bill; yet, if a person for whose judgment I have the

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highest respect, thinks that a trial of the Bill should be made on a few articles before it is generally adopted, I have too much confidence in the result of the experiment to abandon the system; for I have no doubt, that if tried on a few articles this year, it will next year be extended to all. The learned gentleman has told the House, that he dislikes innovation in the ancient system, grown reverend by time, and by the practice of a hundred years. Sir, the credit of the trial by jury has little to fear from any arguments drawn from the antiquity of those courts that have usurped its privileges, and trenched upon its right. Does the learned gentleman talk of the practice of a century? Sir, the trial by jury was old among our ancestors a thousand years ago. But, in fact, the learned gentleman has little to fear from the innovating effects of the present Bill; for though it gives an optional right of trial by jury in revenue causes, and restores to the subject a privilege which the excise, usurping upon the common law, has unjustly wrested from him; yet it will not materially disturb the settled order of things, nor introduce any violent innovations in the practices of the day. The discretion of the commissioners, and the general disposition of the times, which is averse to arbitrary power, have already, in some measure, established as practice what the Bill proposes to establish as law. The commissioners of excise generally refer to the Exchequer all causes of importance, all those which relate to high value: but though the subject in such causes generally has a trial by his peers, yet, as the law now stands, he cannot claim it as a right; it is granted or withheld at the will of the officers of the Crown, for the option is with them; whereas, if the Bill shall pass, that option will be with him. For my own part, I am perfectly convinced, that if the choice of the court were vested in the subject, the summary jurisdiction would almost always be preferred; for he would then consider that jurisdiction as a refuge from expense. He would value, when offered as a privilege, what he now detests when forced upon him as a burthen; he would find his convenience liberally consulted, without any invasion of his rights.

But perhaps it may be said, "If you approve the present conduct of the commissioners, where is the necessity, or where the advantage of your proposed reformation?" Sir, is it no advantage to relieve the subject from a despotism, which, however lenient the exertion, fills his mind with alarm, and wears down and corrodes his happiness? The suspended sword, though it did not fall, was sufficient to disturb the tranquillity of the feast. While there is danger in the law, the recan be no safety for the subject. Have not the commissioners of excise a power to deprive the subject of the benefit of the general law of the land? Have they not a power to exclude him from his right of trial by jury, his ancient hereditary privilege? Have they not a power to break down the fences by which the constitution endeavours to guard the liberties of the people; and, having this power, shall it be said, that there is no danger to be feared, for that all the commissioners are honourable men? Sir, it becomes us to consider the nature of the tribunal and the permanent constitution of the court, not the variable characters of those who happen to preside upon its judgment-seat. The commissioners of excise may smooth the hideous features of the law, or conceal them entirely from view; but the nature of the law is still the same; the power of the court is still despotic. It were folly indeed to suppose, that the engine has lost its force because it is little employed, or happens to be at rest. It is an engine admirably calculated for the establishment of arbitrary power, and of a force sufficient for its end whenever a hand shall be found to give it its full operation. Such is the case at present; but if this Bill shall pass, the danger of the contrivance will cease, the benefit only will remain. Sir, I will trespass no farther on your indulgence; and indeed I am much concerned that I have troubled you so long, for I am perfectly sensible, that if this Bill shall be supported by the House, it will owe that support not to any arguments of mine, but to their warm and zealous attachment to the principles of freedom, to the general law of the land, and to the ancient constitution of their country.

The *Solicitor General* said:—Sir, I cannot allow the account which the hon. gentleman has given of the excise system to pass without observation; I should be sorry indeed, if that system should be considered by the people in general in the very hideous light in which the energy of his language has enabled him to describe it. There is no system, however excellent, whose defects, if brought together

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into one view, and coloured by a man of strong feeling, might not be represented as too monstrous to be borne. Were such a person to say, for instance, that there is a country wherein there are twelve hundred capital offences, twelve hundred ways in which the subject may incur the forfeiture of his life, who would believe that it was of England he was speaking? My hon. friend has described the excise laws as an infringement of the constitution, and a breach of the common law of the land. Sir, I should be very unworthy indeed to wear the gown that marks my profession, if I did not entirely agree with him in this part of his speech; but at the same time he must allow me to say, that the necessities of the revenue have superseded other considerations; and to those necessities the establishment and the continuance of the excise system has undoubtedly been owing. The hon. gentleman himself confesses that the practice has been mild, though the law has been severe. Hence it follows, from his own statement, that no political ills have resulted from the system, and that the alteration he suggests can only be made with a view to the excellence of the principle on which it is founded, and not with a view to the redress of any real and actual existing grievance. Now, whether for the sake of removing speculative inconveniences, it be worth while to hazard the unknown effects of a considerable change, the House will undoubtedly determine. I know the hon. gentleman himself apprehends no danger to the revenue; and if I could think the opinion of any one man a sufficient proof that there is no risk in such an experiment, I certainly should be satisfied; for I know he has an uncommon knowledge of the subject, and I equally know his zeal for the service of his country. As to my own opinion of the Bill, I must confess I cannot state any particular objections to it; yet I am inclined upon the whole to the opinion of my learned friend, that the Bill may be dangerous; and it is, at any rate, of too much importance to be passed at this late period of the session.

Mr. *Pitt* said:—If the dread which my learned friend near me seems to entertain of the probable consequences of this Bill be at all well founded, or at all likely to be realised in practice, I should undoubtedly think with him, that the Bill ought on no account to be permitted to pass. On the other hand, if the frightful picture which my hon. friend who proposed the Bill, has drawn of the system of excise, were taken from that system as it actually exists in practice, I should certainly be disposed to agree with him in thinking, that a reform is absolutely requisite. But I am much inclined to believe, that both of them are to a certain degree mistaken; and that the truth, as is usual in extremes, will be found to lie between their opposite opinions: for I cannot agree with my learned friend in thinking, that this Bill would be attended with those dangers to the revenue, or be productive of all those difficulties in the practice of the court of Exchequer, which he seems to apprehend: and I can as little agree with my hon. friend, in reprobating the system of excise as inconsistent with the liberty and happiness of the people. He himself is compelled to acknowledge, that the execution of the very system he condemns has been productive of no inconvenience; and he is obliged to reason upon the principle, and, as he thinks, pernicious tendency of the law, and not upon the practice, which he allows has been uniformly just. He wishes, however, that an alteration may be made in favour of the liberty and therefore of the happiness of the subject: but I would remind the House, that if the revenue should be injured, both the one and the other must be injured; for upon its revenue, in the present situation of the country, the very existence of its happiness and liberty depends. Without meaning therefore to state such excessive apprehensions of the Bill as the learned gentleman has described, but at the same time without being prepared to give my assent to the Bill, which I am not the more disposed to approve, from its being introduced by an invective against the excise, I am inclined to support the motion for postponing its farther consideration till this day three months.

Mr. *Beaufoy* said:—As it seems to be the wish of the House that the consideration of the Bill should be referred to another session, I shall not oppose the motion. But as I am anxious to press upon the attention of the House, the expediency of passing this Bill as early as possible after the recess, I will take the liberty of stating to them the sentiments which better judges than myself have expressed of the grievances which this Bill proposes to remove. One of the commissioners of excise, a man of acknowledged ability, and the highest honour, complained to me a few days

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since, of the uneasiness he felt in being obliged to act in a judicial capacity, under the present law; for says he, "The subject is compelled to take me for his judge, and has no appeal from my decision: now, he who decides under such circumstances, ought to be perfectly sure that he pronounces an unerring judgment. But what man has a right to think thus confidently of himself? Liable to mistakes as to the fact, and to misapprehension as to the law, I decide under circumstances in which no man living ought to decide who is not an infallible judge: whereas, if the subject had his option of the court and should choose me for his judge, I should feel no uneasiness in deciding to the best of my ability, however important the cause: for in that case, involuntary imperfections could not be urged as a charge against me —I did not force myself upon him."— With this respectable opinion, the sentiments of the late judge Blackstone seem to have entirely coincided: for he certainly thought that the subject should not be restricted in excise questions to the courts of excise; he held, that if the goods of the trader should be seized as forfeited, and, as such, should be condemned by the commissioners of excise, the condemnation should not be considered as final and conclusive. The officer he thought should be liable to an action for damages, and the decision of the cause be referred by that means to the judgment of a jury. If this opinion of Blackstone's had been adopted by the other courts, it would have made a condemnation of goods by the commissioners of excise little better than nugatory, and would indeed have abolished as to any useful purpose, the jurisdiction of the summary tribunal: but he seemed to think, that nothing could authorize the depriving the subject of the right of a trial by his peers. There is, indeed, a severity in the excise laws, that while a right of trial by jury is withheld, must render them objects of abhorrence to every man who regards his freedom, or values the constitution of his country. If, for example, a debtor to the excise has surrendered to the officers of justice, and given up his body to the law, the process against him is not, as in other cases of debt, closed by that surrender. A warrant will issue to levy on his goods; his household furniture is seized; the last bed is taken from his family; for against the execution of the warrant, neither sickness nor the infirmities of age, nor the helplessness of infancy are any plea. Thus, to the dreadful prospect of imprisonment for life, a sufficient punishment for all crimes but murder, is superadded the misery of knowing that his family is destitute of bread. Sir, I do not say that this law is unnecessary; I do not say that it ought to be repealed, however humanity may plead for that repeal; but I do say, that the execution of so severe a law ought not to be entrusted to an arbitrary judge: there is bitterness enough in the law itself, it wants not this aggravation. Till this hardship of a despotic tribunal shall be removed, by the optional right of a trial by jury being given to the subject, the interests of the revenue will always be at variance with the rights and privileges of the people; an opposition which no friend to the revenue can possibly wish to prolong.

The further consideration of the Bill was adjourned till that day three months.

Debate in the Commons on the Maid Servants Tax.] June 8. Mr. *Pitt* said, he had several regulations to propose in the tax on Maid Servants. He meant to make certain exemptions, and to make up that diminution by a tax on Bachelors, the idea of which he borrowed from a right hon. gentleman (Mr. Fox), and he was ready to acknowledge his thanks for the hint. The hardships which had been stated against the tax on the females were, generally, that it would fall on the servant, which he begged leave to deny. And next, it was said, that it would fall particularly heavy on such families as had children, and were least able to bear it. Now, in his opinion, that was the case in all taxes where they bore on the consumption; but he meant to make such exemptions as would, in a great measure, take away that objection, and should therefore propose, that in all families of two children and upwards, one servant should be allowed to every two children of a certain age, which, undoubtedly, would occasion a great diminution in the tax—how much, it was impossible to say; but he trusted the deficiency would be made up by doubling the male-servant tax, at least in such proportion as to make every bachelor, keeping one male servant, pay 25*s.* over and above every other tax at present existing on male servants. He said, by the regulations which had been made in the shop tax, he fancied a deficiency of about 20,000*l.* would be occa-

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sioned: therefore, he was under the necessity of laying some new taxes to make good that sum; and he should resort to a subject in which many had run before him, and, therefore, he was not apprehensive of its being objected to; it was on certain practitioners in the law: perhaps the tax might, in some degree diminish the number of those gentry, but, in so doing, the public would be much benefited, for, at present, they were too numerous. He should, therefore, propose to raise the sum of 20,000*l.* by taxing Attornies; first by a licence, and next by a stamp-duty on every warrant they issued out for an arrest. He had not been able to collect the exact number of attornies in the kingdom, but, as near as he could guess, it was 1,400 in London, and 3,000 in different parts of the country; and last year the number of warrants issued out of the King's-bench amounted to 10,000, and all the other courts to about an equal number: therefore, he should suppose, on an average, that 20,000 actions were commenced in a year; and the tax, which he meant to lay on every warrant, was not so much for the sake of revenue, as it was to ascertain the business done by each practitioner; and by taxing every warrant, attornies would contribute, in proportion to their business, and free the tax from partiality; he, therefore, estimated the tax as follows:—1,000 attornies in London, each to take out a licence, and pay for the same annually the sum of 5*l.*, which would produce 5,000*l.*; 3,000 attornies in the country, at 3*l.* each, would produce 9,000*l.*; but he should suppose there must be more than 3,000, and would, therefore, estimate them to produce 10,000*l.*; 40,000 warrants, for arrests, at 2*s.* 6*d.* each 5,000*l.*, making 20,000*l.*

The Earl of *Surrey* said, that having, on a former day, promised to propose taxes in lieu of that odious one on females, he then rose to fulfil his promise, especially as he could not find any precedent whatever for laying a tax on the sex, especially on that part of the sex who were least able to bear any burthen of the state. It had always been the custom, he observed, of great politicians, when they had an odious tax to produce, to gloss it over in such a manner as to prevent the evil from being seen: but he trusted every man must revolt at such a tax as the present. He was free to acknowledge, that, in taxation, the Chancellor of the Exchequer ought to be careful to lay such taxes as were likely to be productive, be easily collected, free from the excise laws, and, at the same time, not to affect our export trade; for it was that which caused an influx of money into the country. Now, the taxes he had to offer were such as would bring in 180,000*l.* and, he flattered himself were free from all the objections he had mentioned. The first was on silk stockings; but to avoid any injury to the export trade, he meant it to be collected not by any stamp, but by way of licence for wearing them. The next was to be collected in a similar way, and was a licence on such persons as wore powder in the hair. The third was on attornies; and he had estimated that at the same sum as the right hon. gentleman, but meant it to be collected in a different way. Indeed, he had mentioned the tax to the Chancellor of the Exchequer, and the method he proposed was, a licence of 8*l.* each on those in London, which, estimated at 1,000, would produce 8,000*l.*; and a licence of 4*l.* on 3,000 in the country, which would be 12,000*l.*; making together the sum of 20,000*l.* However, that tax he must now give up, as the right hon. gentleman meant to adopt it, and, of course, deduct 20,000*l.* from the 180,000*l.* The next was a licence for wearing watches; and, he had been told, at least 160,000 persons wore watches. Therefore, he should propose, in lieu of the tax on females, taxes on silk stockings, hair powder, and watches; and estimated them as follow: 140,000 persons wearing silk stockings, each to take out a licence annually, and pay 10*s.* for the same, 70,000*l.*; 140,000 persons wearing powder in their hair, each to take out a licence annually of 10*s.* for the same, 70,000*l.*; 160,000 persons wearing watches, each to take out a licence annually of 2*s.* 6*d.*, 20,000*l.*, making 160,000*l.* He likewise meant the taxes on silk stockings and hair powder should be laid on the same principle, in some degree, as the bachelors' tax; that was, every unmarried person should pay an addition of 3*s.* per annum for his licence, more than a person with a family. His lordship protested, that he could not find that ever any age or any country wished to tax females partially; therefore, he hoped the right hon. gentleman would give up the tax, and in lieu, he should move, "That it is the opinion of this committee, that every person wearing stockings made wholly, or in part, of silk, do annually take out a licence of 10*s.*"

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Mr. *Drake* wished that the minister would relinquish the tax, and adopt those proposed by the noble lord. They struck him as good, if an exception was made for the powder used by military gentlemen, which he thought necessary, but not so much in the navy as the land service; and he concluded with hoping, that Mr. Pitt would give way, and, in this instance, not be the sturdy oak, but the pliant and loving ivy.

Mr. *R. Smith* thought the tax on silk stockings would be a means of injuring the trade carried on at Nottingham, Derby, Leicester, and parts adjacent; would ultimately introduce the excise laws, and act as a prohibition to the stocking trade.

Mr. *Pitt* said, it would be a great pleasure to him if he could be relieved from the disagreeable task of laying additional burthens; yet he could not help remarking, that the noble lord who proposed the substitutes, fell under the same predicament as did all others who turned their thoughts to finance, viz. of proposing such taxes as there were the strongest objections against adopting; and, for those proposed now, he should object to them, for the plain single reason, of their being only experimental and uncertain; whilst that on females was sure to be productive. The noble lord had likewise not stated, how the taxes were to be collected; and they struck him, to depend chiefly on informers, which was not the most pleasant way for the collecting of any duty, as persons of that description were, of all others, the most detestable to the public; nor did he see, that, even with them, it would be easy; for as the object was to be every person wearing powder, the custom was so general, that the curiosity, or, indeed, what would first attract the eye, was a gentleman, like his lordship, without powder; on the other hand, it was a poll tax, not that he meant to pun on the word, for he equally conceived the tax on stockings the same. As to shewing a partiality for the females, in his opinion, his lordship, however fond he might be of the sex, had been particularly unfortunate in his selection of taxes; for both the silk stockings and the hair-powder would affect them more than the tax on servants, as most females had that to pay out of their pin-money. The noble lord, from his rank, and the office he held, might go without powder; but there were many persons whose situations obliged them to go powdered; and, indeed, few gentlemen chose to see their servants without; therefore, if the servant was to pay the tax, it would be an addition to the male servants tax. As to the partiality of the tax, acting against females, it certainly was the reverse; for the male servants were taxed at 25*s.* in the lowest, and the female servants at only 10*s.* in the highest.—Mr. Pitt said, he meant to exempt youth and age from the tax.

Mr. *Fox* said, the exemption mentioned in the last words of the right hon. gentleman's speech most certainly made the tax more palatable than when it was first proposed, as it would not affect those who were kept half for charity and half for use; but still he disliked the principle of the tax, as it was unmanly and unprecedented. The tax on male servants, as far as it acted as a regulation, he approved of; but the female acted directly the contrary; for there the increase of servants was in proportion to the number of children. As to the tax on bachelors, being the first who proposed it, he certainly could not object to it as far as it went; but he was in hopes it might have been so modelled, as to act as a whole, or at least as a chief substitute for the female tax: but the right hon. gentleman gave poor encouragement to any person to offer substitutes, as he used them merely as additions, and continued the obnoxious ones likewise. Neither had he, in his opinion, laid the tax on bachelors in a proper manner; for now the gentleman of a small fortune would pay in the same proportion as the rich; and it would fall particularly heavy upon gentlemen of the army and other unmarried men, who were under the necessity of keeping at least one male servant: it ought, therefore, to have been laid, as the male servant tax was, proportionably higher according to the number kept; for the most fit objects of taxation were single persons who could afford to keep a number of servants. As to the taxes proposed by his noble friend, although he might not wholly approve of them, yet when he was left to his option to choose between the two, he certainly should pay the preference to them before the one proposed on females; and with respect to the objection made by the hon. member (Mr. Smith), he conceived it merely meant as snatching an opportunity to shew a coincidence in sentiment with his constituents, which he had not been remarkable for of late; and he must be mistaken when he supposed it would affect

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the stocking trade in general; for if people did not wear silk, they must wear some other, and he could not conceive that 10*s.* per annum would act as a prohibition. As to servants wearing powder in their hair, it was only in families where servants were kept out of ostentation, and such families were fit objects of taxation. As to the tax on attornies, he approved of that recommended by the noble lord, in preference to the one adopted by Mr. Pitt, as he thought the stamp duty of 2*s.* 6*d.* would not affect the attorney, but be an addition to the clients' bills, which at present were expensive enough: however, upon the whole, few persons would be fond of suggesting taxes, if the obnoxious ones were not to be repealed.

Mr. *Courtenay* was still of the opinion which he first had when the tax on maid servants was proposed. What the right hon. gentleman had now advanced in support of this his favourite measure, carried with it very little conviction indeed. There was no argument which could do away one palpable fact of the tax being a tax on the servant, and in every point of view injurious, or, more properly speaking, burthensome to the female sex. So much had been said within doors, and so much had been said without doors, against this unpopular measure, that he really entertained some hopes of the minister relaxing a little from his perseverance, and that when he began to feel the necessity of profiting a little by the advice which was given him from that side of the House, he would, on maturer consideration, have gone somewhat farther, and in conformity to the wishes of the people, have totally abandoned the idea of taxing the female sex. To say that the tax was not a tax upon women, but upon those who employed women, was putting them in the situation of those dogs which were proposed as a proper subject for taxation, and which, not the dog itself, but the master of the dog, was to pay. But still, even in this refined mode of reasoning, there required not any substitution of logic to prove, that the tax would affect the quadruped, and heavily too; for the consequence would have been, that a considerable number of those animals would have so severely felt it, that they would have been hung up to avoid the expense of keeping them. This certainly would not have been quite so desperate a case with the women; but their situation, in consequence of this impost on their servitude, would be the means of numbers losing their bread, their honest industrious means of livelihood, and, in the end, of being driven to the necessity of prostitution, as the dreadful alternative between the practice of vice and the certainty of starving. He wished the right hon. gentleman to learn experience, and to take the advice of those who were his superiors in age, and who, from living longer in the world, had the advantage over him, of riper judgment, and more mature knowledge, if not in politics, at least in respect to women. As to the business of finance, it no doubt was a matter of much magnitude; and as every senator should be acquainted with that which so nearly concerned the public, he had endeavoured to obtain all the information which books could give him on that point. He had read Mons. Neckar, the Chevalier or Madame D'Eon Beaumont, and other able investigators of that subject; but in their works, he had not been able to discover any such idea as a tax upon women. However, as he was confident this extraordinary and unpopular measure could not originate in the head or the heart of the right hon. gentleman, or indeed in the bosom of either Englishman or Frenchman, he naturally turned his eyes to Holland, where, in searching through the Dutch library, he found that such a tax was once proposed, was accepted of, and actually at this very moment existed. The author from whose works he had this information was Mynheer Vander Vanfrow, a native of the High and Mighty States, and an able financier no doubt. If the right hon. gentleman had gone a little farther into the system of Dutch taxation, and consulted Mynheer Vander Vanfrow's reasons, he would have found, that when a female servant is out of bread in Holland, the state is obliged to provide for her. This, he said, led him to mention a circumstance, which probably had occurred to the minister; it was that of a tax on the frail sisterhood, imposed by James 1; who also honoured them with a badge of distinction, which they were obliged to wear. The profits of this tax went into the pocket of the bishop of Winchester, who gave it up for some crown lands; perhaps a part of Scotland-yard. Probably the right hon. gentleman had forgot, that the taxed girls, when turned out of servitude in Holland, had places of refuge: there were what was called musical shops, to which the discarded female could have recourse for

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bread: but here there was no such receptacle, and the consequences of being discharged on account of the expense of the tax would operate as he had already described. There were a set of gentlemen in parliament, who had declared, and no doubt were serious, that they would give up their own understandings to that of the minister; not that there appeared by that free transfer any great proof of the weight and wisdom of those understandings. He was however of a different way of thinking, and resolved to keep his understanding in his own possession, and not to pin it upon the sleeve of any man. This same understanding, poor as it was, taught him to see the tax now under consideration of the committee, in a most odious light, with all its pernicious consequences in waiting; and, therefore, he wished to make the minister a convert to the same way of thinking, and to gain upon him by every power he possessed, to give it up for something less oppressive and more popular. He beseeched the right hon. gentleman, to turn the subject with compassion to the helpless, the innocent sex, in his mind; and to recollect, that they were persons of no property; that they were themselves defenceless, and had no protector but man. What the distresses of an unhappy girl turned out of place would be, were most excellently described by Goldsmith, in his Deserted Village:

"Where the poor houseless shivering female lies;
She once, perhaps, in Village plenty blest,
Has wept at tales of innocence distrest.
Her modest looks the Cottage might adorn,
Sweet as the primrose peeps beneath the thorn;
Now lost to all, her friends, her virtue fled,
Near her betrayer's door she lays her head."

If the right hon. gentleman was a sportsman, he never would have thought of distressing females; for it was a rule with those who were fond of the game, never to kill a hen pheasant: this was a circumstance which any of the right hon. gentleman's country friends could assure him to be fact. But he apprehended, that the minister's ideas did not that way tend: he was no sportsman, and consequently in levying the taxes there was no distinction: male and female were alike the objects of his budget. As to the exemption respecting children, he liked the idea, as it was applicable to that which he was very fond of, increasing and multiplying; though in the present domestic circumstances of his family, he had three children and a half, and therefore should be obliged to pay partially in that respect, as the noble lord (Surrey) would, if there was a tax on powder. The minister had mentioned, that all under a certain age were to be exempted from the tax: this would not only be difficult, but a very delicate point to ascertain, and would be attended with all the evil consequences he mentioned in a former debate, when the tax-gatherers came to pry into the ages of the family. The right hon. gentleman, when he conceived that the tax on hair-powder, proposed by the noble earl, would be more obnoxious to the females than the one intended, reminded him of the lines in the Rape of the Lock:

O hadst thou been content to seize
Hairs less in sight, or any hairs but these.

He said, he should take the liberty of mentioning to the House, that though he had not received any instructions from his constituents, yet he had received their thanks for the part he had taken in opposition to the tax now before the committee; and he was also honoured with the assurances of being re-elected at the next general election, which he wished was to be next week; and the ladies promised him every support in their power. He had to beg pardon of the committee for taking up so much of their time, and should conclude with a parody on some lines of Pope:

Curs'd be the tax, how well soe'er it flow,
That tends to make one lovely maid my foe;
Gives virtue scandal, innocence a fear,
Or from the soft-ey'd virgin steals a tear!

Sir *E. Astley* rose, because his proposed tax on dogs had been alluded to; and owned, that he should indeed be very well pleased to see both dogs and attornies subject to a duty. He thought them both articles of luxury, and had coupled them in this manner, because most of those who employed them ought, in his opinion, to pay for an indulgence which he deemed in many respects exceptionable: indeed, he had long wished to see a tax imposed on hair-dressers, men-milliners, and all others who dealt in effeminate occupations.

The question being put on lord Surrey's motion, a division took place, when there appeared: Noes, 104; Yeas, 22; Mr. Pitt's resolutions were then severally put, and agreed to.

Debate in the Lords on the Irish Commercial Propositions.] June 7. The order of the day was read for going into a committee on the resolutions on the

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subject of an arrangement of a commercial intercourse with Ireland, when lord Scarsdale took the chair, and the clerk proceeded to read the resolutions; after which the House waited, while Mr. Cowper was in search of the copy of the eleven Propositions voted by the parliament of Ireland, and laid before the House originally, together with the addresses of the Irish Houses of Lords and Commons. [See p. 312.]

Lord *Stormont* said, he considered it as no ill omen that the paper containing a copy of the eleven Irish propositions was no where to be found. Thinking as he did of their tendency, it should not be his office to drag them again into light; and, indeed, so unwelcome a task he had no occasion to undertake the execution of, as he saw a noble lord near him, who, no doubt, was ready with his usual ability to stand up and supply the deficiency. The noble lord would probably explain to the committee the reasons which had induced administration to abandon the eleven Irish propositions originally opened to the House of Commons, and to propose resolutions so different in their form, and so distinct in their principle, as those then under consideration.

Lord *Sydney* said, he was a little astonished that the noble viscount should have called upon him to supply a deficiency which he did not conceive the committee expected, or any individual lord had a right to call for at his hands. He certainly should decline the task, not being desirous of saying any thing, from a wish that nothing he might accidentally let fall should, through misconstruction be made use of to the prejudice of the two countries. Possibly the noble viscount, and those with whom he acted, might think themselves entitled to call upon him to explain any thing they professed to entertain doubts of, and upon his declining to comply with their requisitions, might deem him unworthy of the situation which he had at that time the honour to hold. He could only say, if such should be their sentiments, that his situation was not of his seeking; and, conscious as he was of the extreme detriment that might arise from a misrepresentation of any thing that might drop from him, he certainly would not furnish an opportunity for the inconvenience and danger to which he alluded.

Just as lord Sydney approached the conclusion of his speech, the paper that had been mislaid, was found at the bottom of the box. It was accordingly read, together with the Addresses of the Lords and Commons of Ireland, and the petitions and other papers that had been referred to the committee appointed by their lordships.

Lord *Stormont* said, he had only to lament the disadvantage to which their lordships would be reduced by the silence of those in office. He held it to be a conduct at once unprecedented and unjustifiable, that a measure of this extensive consequence should be presented to their lordships with no explanation whatever. He should avoid detail in what he was now to state, but in every particular their lordships would see how this strange manner of bringing forward the business embarrassed and clogged their conceptions of the subject. One great defect under which this vast arrangement would consequently engage their lordships attention, was, that no cause was assigned for the adoption of this system at present. He denied that it was the effect of a former administration. That insinuation had been thrown out, with many others, only for the purpose of destroying the weight of such objections as were likely to be brought against it. But the Irish had themselves long ago effectually refuted the surmise, by declaring their entire satisfaction at what had been done for them. The measure was then complete, and the present system had no dependence whatever upon it. To reason, therefore, on this principle, was absurd in the extreme, as it supposed what was not true, that a system had commenced and remained unfinished till the present ministry took it up. He was rather inclined to give them the merit of the whole. The offspring, in his opinion, was their own. But the birth was not a natural one. It had struggled into life under a complication of imperfections. It came into the world curtailed of every fair proportion, and stamped with every mark of original depravity. He had endeavoured, with as much candour and coolness as he could, to feel his way. No reason which appeared sufficient to him, had yet been alleged to justify this prodigious innovation in the intercourse of the two countries. And since Ireland seemed satisfied, it was somewhat astonishing that we were not so. We had, certainly, made great and liberal exertions to render her lap of national felicity full. But why should this country be exhausted to make it overflow? He was aware that the people of Ireland,

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like some of the popular leaders in this kingdom, were solicitous for an equal representation. This had been well named the phrenzy of political reformation. But he would venture to say, that if this system was intended to operate as a compensation for that measure; if one theory was to be thus bartered for another, the purchase of moderation, in this instance, had been rated much too high. He then called upon any of their lordships to account for the relinquishing the former for the sake of the latter propositions, as they contained nothing, in his opinion, to justify the concession. He asked what the consequences to this country must have been, had not these resolutions been changed? He recapitulated, in a few words, some of the most striking objections which lay against the resolutions in their original form. He knew none of the consequences which he stated were intended. But, he asked their lordships, what comfort a dying man received, from being told that the wound of which he was expiring was not meant to be mortal? He instanced in this part of the argument the case of the East-India Company, and West-India monopoly. But what appeared to him the most pernicious part of the plan was, the manner in which it violated the property of individuals. The whole copy-right of this country, which had been estimated at above 200,000*l.* was by this system, in its first shape, altogether annihilated. This was done by the representative of one of the most enlightened bodies of the universe, at an æra in which science was in its full lustre, and by a minister whose mind was formed to embrace all that was noble and graceful in polite literature. But what was the general principle which ran through these resolutions? They were undoubtedly intended to equalize the commercial advantages of the two kingdoms. But he was altogether at a loss to see where this prevailing feature was to be found. Supposing this to be the object of the measure, he could not conceive how it could be accomplished, unless in the three following ways, viz. That all manufactures should be equally free in both; that in both countries equal duties should take place on the same articles; and, that whatever exceptions were adopted in any of these respects, should be adopted by consent of both. He adverted to every topic of argument which had been used in another House. He quoted a letter from sir William Temple, in which that great Irish patriot asserted, that the interests of Great Britain, whereever any thing like clashing or jarring occurred, ought to have the preference. They were not, in his opinion, the friends of either, who did not heartily subscribe to this sentiment. When the union of Scotland and England was in agitation, the proposition of a free commercial intercourse was proposed to the English commissioners. Among these were the names of Cooper, Halifax, Godolphin, and Somers. These great men rejected the proposal so effectually, that they would not give it a hearing. He was not, however, without hopes, that since their lordships, much to their honour, had resolved to go into the evidence, they would not curtail the matter, but go into it at full length.

The Earl of *Abingdon* said:—My lords, having upon former occasions, presumed to lay my poor ideas before your lordships on the subject of Ireland; having stated what, in my humble opinion, was the relative situation of that country to this, and what too was the line of right that ought to be drawn between them; those of your lordships who may do me the honour to recollect what those ideas were, will readily perceive, that I do not now rise to offer myself to your lordships, in opposition to the measure that is now before us; but, on the contrary, to give it my hearty support. The ideas which I ventured to submit to the House, respected the policy of the two kingdoms, and not their commerce; they were political, and not commercial. Of the former, the time is gone by; *jacta est alea;* and what I have said, is, perhaps, better buried in silence than revived by repetition. Of the latter, the propositions now before you form the subject-matter only; and as such it is to them and them only, that I am called upon to express the reasons of my satisfaction, as the ground of that assent which I shall most readily give to your lordships. But, my lords, before I do this, I cannot help saying a word or two in reference to what has passed upon this subject, merely as it has relation to that insolence of opposition which has been given, by some, to the measure of these propositions.

My lords, what has been done respecting the policy of Ireland and this country; I mean that part of it which, in my conscience, I could not approve, was not the act of his Majesty's present minister. Of this, his hands, like those of his great father before him, 'are clean:' and I

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rejoice that hands such as his, upon such a subject, are clean. But to whom, then, shall we impute this act? To him, my lords, to that very man who now boldy stands forth the enemy of a measure, which, if in any degree wrong, his conduct, and his conduct only, has made necessary, and compels the performance of. Concessions, especially when neither asked for nor expected, never fail to prove the parent of concessions. Concession begets concession, till where to stop is often out of the reach of human wisdom to know. This was the case with Ireland and this country; and yet the very author of those concessions is now one of the unnatural ringleaders of an unnatural faction in this country, in opposition to a measure which he himself, as I have said, has rendered of necessity to be done. Who this man is, your lordships need not be told. Think of the man who has done all the mischief that folly and wickedness united could suggest; who has, upon every occasion and in every instance, sacrificed the interest of his country to his own selfish and inordinate lust of power; and he is the man, in title the most fitting that belongs to him, the minister of the American war, and insomuch the grand culprit of the nation. This is the man, he who, at the very time he was planting the dagger in the breasts of our fellow-subjects in America, and wasting the public treasure of his country, with a profligacy unknown to the annals of any government upon the face of the globe, for the express purpose of maintaining, as he declared, "the just and undoubted legislative rights of Great Britain." What did this minister do, my lords? Without demand, nay, without expectation on the part of Ireland (for the demands and expectations of Ireland at that time went no farther than to the modification of Poyning's Law); I say, my lords, what did this minister do? That the discontents of Ireland might not operate, in conjunction with those of America, to the loss of his place, 'manu suâ propriâ inimicâ,' with his own unhallowed hand, and in the hour of political dastardy and cowardice, he not only opened, (without even a proposition of equivalency, when almost any equivalent whatever might have been obtained,) the whole of the West India commerce to Ireland; but, in so doing, surrendered up the legislative rights of this country over Ireland to Ireland. [See the 20th Geo. 3, cap. 10, where the right of regulating the commerce of Ireland is taken out of the British parliament, and transferred, for the first time in the annals of England, to the parliament of Ireland.] A surrender, my lords, which, if I did not feel myself in the capacity of a judge, and but for the indecency of one under those circumstances calling out for, and provoking impeachments, I should never cease to be silent until that minister was brought to the bar of this House; for, my lords, if it be true, that the right of regulation and control over the commerce of Ireland has ever been in the parliament of Great Britain; and if it be true, as a fundamental maxim both of reason and common sense, as well as of the constitution of this country (and what noble lord is possessed of sufficient temerity to venture to assert the contrary?) that "the legislative being but a delegated power from the people, they who have it cannot pass it over to others;" what argument can elude impeachment, what plea prevent condemnation?

But, having said that what was done, was without demand or expectation on the part of Ireland, and wishing to be as well founded in fact as I am in argument, I will, in order to ascertain this, beg leave to read a paragraph or two from a pamphlet which was written and published in Ireland at the time, and at the instance, as I do verily believe, of the minister himself, for he is called therein, "one of the most liberal and virtuous ministers Great Britain has ever been blessed with!" This pamphlet is entitled, "Considerations submitted to the People of Ireland." It was written in answer to one said to be written by Mr. Grattan, on the Mutiny Bill, and the part I allude to is this:—"The sudden and unexpected concession to us, of unlimited trade on the part of Great Britain, after a violent and unjustifiable detention of it for above a century; that trade! by means of which she became the mistress and the wonder of the world; that trade! for the exclusive enjoyment of which her legislature has endeavoured, at every risk, to vindicate a supremacy over the subordinate parts of the empire; that trade! on account of the usurpation of which she has lived in jealousy and enmity with us for a century past; that she should so suddenly, so generously, and so equally admit us into a participation of that trade with her, is a matter we so little expected, that we scarcely believe her sincere in it; and the astonished Irishman receives the boon, as Scrub does Archer's generosity in the play—"Ah! it

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is a guinea, by this light;—but I suppose, brother Martin, you expect one-and-twenty shillings in change!" Such, then, is this minister, and such the man whom we now find linked with the immaculate house of Cavendish, and to whom all the Whigs of this country are called upon to look up, and to bow down to, as to the god of their idolatry. Shameful profanation! 'Odi profanum vulgus, et arceo.' And why, my lords? Is it because principles unite the band? No, for reasons ten times worse than any principle, be that principle ever so bad. From motives of private interest, separated from those of the public good. From motives of coalition, for the avowed purpose of seizing upon the government of the country, and of driving from the helm a minister, who, by a peace, had saved the nation from certain and irremediable perdition; and a peace too, my lords, which, to use the eloquent and classic language of our present minister, was made as necessary by one part of this faction, as it was unconditionally declared to be so by the other.

And now, my lords, for a few words on the business more immediately before us. The present propositions are, in themselves, simply commercial. Their object is to open a free intercourse of trade between the two kingdoms, and of that trade to give an equal participation to both. So far, then, no possible objection thereto can arise in my mind. To the admission of freedom in trade to Ireland, my wishes have not only gone in all its latitude, but they have gone much farther. It was my wish that Ireland should possess internally a complete and independent legislation over itself; and upon that ground I voted most cordially for the repeal of the declaratory law of the 6th of George I. One other wish I had, but it was of another complexion. It was that the regulation of, and the control over, the external commerce of the whole British empire might still remain in the parliament of Great Britain; and in so thinking, I conceived I was consulting no less the interest of Ireland, than the good of the whole; whether I was right or whether I was wrong, time must evince. The grounds upon which my opinion was formed, I have already stated in argument to this House. If they are fallacious, I shall rejoice that they are so; if not, let him look to it for the ill consequences that may ensue, who has been the cause of them. So much, then, my lords, for these propositions, as they appear to me in a commercial light: but there is one other view of them which I wish to take; a view so transcendent, and of such magnitude in my mind's eye, as to place in total darkness every other consideration upon the subject; for in this view what are these propositions? Not propositions of commerce only, but propositions of eternal amity between two jarring kingdoms. Such are these propositions; and this the light in which we must behold them: propositions, my lords, with which, single-handed and alone, I would meet and combat with all the manufacturers of England. What! shall the interests of any set of men, however numerous, be put in competition, and be made to counteract the joint interests of two kingdoms? And what man who calls himself a statesman, and is not asleep, that would listen for a moment to an opposition like this? Let us remember America, my lords, and let us not forget the issue of that unhappy contest. Let us recollect the footing, that, contrary to all belief, France obtained in that country; and then turning our eyes upon Ireland, let us see the hold that France has there: a hold, my lords, that makes this a delicate subject to touch upon; and your lordships perceiving this, I shall only say —Close with Ireland in the moment when you may do so, and bind her to you by the prevalency of her worldly interest, though you may not be able to do so by any other. Having shaken off the fetters of your laws, let her be attached to you by the ties and bonds of affection. Be one people. Let your interest be one; let your objects be the same; and let the means to the end be so likewise. My lords, I have only to add my congratulations to his Majesty's ministers, for having made from so bad a beginning so good an ending. Out of a chaos a system has appeared; the happy fruits of which, in the uninterrupted happiness and prosperity of both kingdoms, long, long, may each continue to reap and enjoy!

The *Lord Chancellor* began a reply to lord Stormont, with some observations, partly ironical, on the salutary delay that the noble viscount had recommended, declaring, that he believed, for the most part, the noble viscount would not occasion any delay but what was salutary. His lordship said, by the noble lord's animated apostrophe to the manufacturers, and the particular action that accompanied it, it seemed as if, in order to create delay not

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quite so salutary, the noble viscount stood in need of their aid and assistance, and that there were some persons of that description below the bar. His lordship defended lord Sydney for not having spoken, declaring that there was no occasion, and that the noble lord had, as he conceived, assigned good reasons for not going into the subject, the question immediately before the committee being that the petitioners be called in, and heard by themselves and counsel. It was wise and expedient for the minister and for Mr. Orde to go fully into the subject, when they severally stated the propositions to parliament here and in Ireland, because the subject was then new and not understood; but the reverse of the same reason being the case now, he thought it not right for the noble lord to go into it, and he commended him for not having done so. With regard to the noble viscount's recommendation that the noble lord should imitate the example of the minister, he begged him to remember it was not quite so easy a thing to imitate him; perhaps the noble viscount was himself, from his superior eloquence, most capable of attempting it with success. His lordship paid lord Stormont many compliments on the able speech he had made, but seemed to consider it as a fine speech, made merely for the purpose of procrastination. He concluded with repeating the motion, viz. "That the petitioners be called in."

Lord *Loughborough* rose to put it to their lordships and to the learned lord, whether the truly eloquent speech that had been delivered by his noble friend really had made no other impression upon the committee, than appearing to be a speech against time? His lordship asked, if the masterly explanation of the various circumstances attending the transaction, if the valuable information furnished to the committee by the able investigation of the subject, and the variety of new lights thrown upon it by the noble viscount, deserved to be so considered as the learned lord had chosen to consider it. He expressed his surprise at the conduct of the noble lord, who, though it appeared to be his proper and peculiar duty to open the business to the House, had declined it for the extraordinary reason he had stated, viz. for fear he should happen to drop any thing in the course of his speech that might, by a misconstruction, be made an improper or mischievous use of without doors. He urged its extreme impropriety, declaring that on every preceding occasion at all similar, the noble lord's predecessors had not only thought it right, but their indispensable duty, to explain the business to the House. He cited the case of the treaty with France, in the reign of queen Anne, immediately after the peace of Utrecht, and also the famous Convention treaty, declaring that sir Robert Walpole and lord Godolphin would have disdained to have wrapped themselves up in such a cloak, where on every plea of manliness, fairness, and respect to the committee, some one minister ought to have stood forward and have detailed the system of policy upon which the intended treaty was founded. His lordship also took notice of lord Sydney's having said, he had not sought for the place he held. It was, he declared, an assumption of greater modesty than appeared to him to be necessary, nor could he very readily credit it. He said, the deduction naturally arising from such an argument as the noble lord had used in order to avoid speaking, was such as the respect which he bore to the noble lord would not suffer him to mention.

Lord *Sydney* said, notwithstanding what the learned lord had been pleased to suggest, he should reserve himself for the fit occasion to enter into the particulars of the system; the question at present he took to be merely, that the petitioners be heard by themselves and their counsel. With regard to Mr. Orde, whose example had been held out to him, let the committee recollect how Mr. Orde had been treated, and then ask themselves, if that was any encouragement for him to render himself liable to the same misrepresentation and abuse. He complained of the libellous use that had been made of what had been stated to be Mr. Orde's speech, declaring that as soon as news arrived of his having opened the propositions, an inflammatory hand-bill, containing what was stated to be Mr. Orde's arguments, with violent comments subjoined to each, had been published and circulated throughout the whole kingdom. From that libellous hand-bill had the noble lords spoken who had alluded to Mr. Orde's speech, for they could have it on no other authority.

The Earl of *Carlisle* said it was a very extraordinary circumstance, that neither the noble lord, nor any one of his Majesty's ministers, would stand up and give the committee the information they ought to have upon the subject. They had

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nothing before them but the naked resolutions, for the report of the privy council was the greatest farce and mockery that could be conceived, since nothing could be a greater farce and mockery than an inquiry set on foot after the propositions had been voted by the Irish parliament, an inquiry the sole object of which seemed to be not to find fault with the propositions. His lordship said, they had no less than seven of his Majesty's cabinet ministers in that House, and yet, strange to tell, no information could they obtain, but were left to sit down to the slender food on their table. He lamented, that the minister himself was not among them, but the Nile, he observed, flowed not there; and although they had the *septem ostia Nili*, their waters were dried up, and so far from fertilizing the country, not one drop of information was to be obtained from them. His lordship still pressed for some explanation.

At length the question was agreed to, and Mr. Erskine was called to the bar.

June 30. The examination of witnesses relative to the Irish propositions continued till this day, when lord Sydney moved, that the House, should, on the 8th of July, resolve itself into a committee, to consider of the said propositions; which was agreed to.

July 8. The order of the day having been read for the House to resolve itself into a committee of the whole House on the commercial resolutions relative to Ireland, the House went into the said committee; lord Hawke in the chair.

Lord *Sydney* then rose, and began his speech with declaring, that it was not from any want of respect to their lordships, or from any dereliction of his duty, that he sincerely lamented that the arduous task of opening to the House the purport and tendency of the resolutions, had not been placed in any hands but his own. In the debates that had already taken place upon the subject, a question had been put to him, which, he owned he had not expected to have heard asked, and that was, what was the necessity that made his Majesty's ministers think it incumbent upon them to bring forward any plan for the arrangement of a commercial intercourse with Ireland? To that question he conceived it would have been a sufficient answer to have moved, that the resolution come to by their lordships on the 17th of May, 1782, be read. His lordship reminded the House of the clamours, the discontents, and the riots that had taken place in Ireland, subsequent to the voting of this resolution. He mentioned also the proceedings by attachment, and all the various circumstances that manifested the jealousy and uneasiness of that country, and made up the necessity that caused ministers to think it their duty to lose no time in coming forward with some plan for cementing the two kingdoms on principles of union, harmony, and affection. With this view it was, he said, that the eleven propositions voted by the parliament of Ireland, had been originally proposed; and the resolutions that had been sent up to their lordships by the House of Commons, notwithstanding what had been said to the contrary, he should contend, were not by any means a departure from the principle of those propositions. His lordship took notice, that in the course of the various cursory debates that had taken place, since the subject had been under consideration in that House, a word had been made use of that called for some animadversion. It had been said, that the original propositions had been negatived. This he must deny for the reason he had stated, viz. because the resolutions were built on precisely the same principle, as was made the groundwork of the propositions that came from Ireland. He declared it would have been wiser to have negatived the propositions in an open and manly way, than thus, by insinuation, to have attempted to convey to Ireland, that they had been negatived, when the fact was undeniably otherwise. His lordship proceeded to speak to the several resolutions, and the tendency of each. He stated, that the first of the eleven propositions had been, in the other House, divided into two, for the purpose of voting that part of it, which stood as the first resolution, unanimously. That, he observed, contained a principle in which all were agreed. It remained, then, for him to prove, that the remaining resolutions grew necessarily out of the first, and were all of them perfectly correspondent to the principle of it, and illustrative of its purport and meaning. He then animadverted on the several subsequent resolutions, and contended, that they communicated to Ireland a participation of our trade and manufactures, checked and guarded only by such exceptions as were obviously necessary for the security of our revenue. Speaking of the

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fourth resolution, he took notice of the clamour that had been raised upon it, upon two different grounds, viz. that it was either an interference with the independence of the Irish legislature, in respect to the trade and navigation laws to be made hereafter, or that it was a resumption and revocation of the right of legislating for herself, granted to Ireland some years since by the repeal of the Act of the 6th of the present King, and that it originated in a desire to undo and recall what was then done. His lordship said, he less feared the former reasoning than the latter. What had been conceded, ought on no account to be resumed. Ireland was to all intents and purposes an independent kingdom, and had an undoubted right to legislate for herself. He wished, therefore, that such mischievous insinuations might not be thrown out; the only aim of those who dealt in them could be, to rouse the jealousy of Ireland, and provoke ill humour between the two countries. The resolution did not legislate for Ireland, it did nothing more than what Ireland had consented to already. It implied a condition, that for the good of the general interests of the empire, the laws respecting trade and navigation should be the same in both kingdoms. When the resolution was maturely considered, he had not a doubt that there would not be found a considerate man in Ireland, who would not acknowledge that it was perfectly unobjectionable. After taking some pains to justify this resolution, his lordship proceeded to the consideration of the rest. He made slight observations on all of them, till he came to the twelfth, that which states that a farther duty shall be charged on the importation of articles of manufacture adequate to countervail the internal duty chargeable on the manufacture. Upon this, his lordship reasoned for some time. He said, he had heard noble lords declare, that it was impossible to impose any duty on the importation of an article of manufacture that should be adequate to countervail the internal duty. That was in his opinion mere assertion, and not argument. It was not absolutely impossible; that it was extremely difficult he was ready to admit, but it was nevertheless feasible. It must be done by a book of rates, to be made out for the purpose, and submitted to the sanction of the parliaments of the two kingdoms. He said, it was his intention when the committee came to the eighteenth, to move for some slight alterations, in order the better to secure the rights of the patentees at present in possession. He meant also to propose some amendments with regard to salt, and some other amendments of less magnitude. He dwelt for some time on the twentieth resolution, that which related to the appropriation of the surplus of the hereditary revenue of Ireland, in support of the naval force of the empire. He stated the average amount of the hereditary revenue for given periods for a number of years past, shewing, that it had gradually risen considerably. He hinted at the component parts of the hereditary revenue, and said, it could not but grow in proportion to the growing wealth of the country. He mentioned the examination of the manufacturers that had been gone through at the bar, and spoke of their apprehensions as, in a great measure ill-founded. His lordship concluded with moving, "That the committee do agree to the first resolution."

The Earl of *Carlisle* observed, that as the noble lord had begun with asserting that these propositions were not only necessary, but would be very advantageous to this country, he had paid the greatest attention to his speech, and waited with no little degree of anxiety for those advantages to be pointed out; every noble lord, therefore, must give him credit, when he assured them, that he felt an infinite degree of surprise at seeing the noble lord sit down without even hinting at a single iota from which any benefit could possibly accrue. The noble lord had likewise asserted, there was necessity for these propositions; but he had failed in his proof, for Ireland had never asked for such a thing; nay it was curious enough to hear how differently they were treated as it were by the same people. The minister, it might be said, had come forward to the Irish with the utmost good-nature, and told them, "You are a very good kind of people, but you don't know what you want; now I am your friend, leave it to me, and I will take care of you; you shall have the trade of England." Here a similar kind of language is held to the manufacturers; "You are a good sort of people too, but you cannot tell any thing about what is likely to be for your own interest; why, the Irish will have no benefit at all." Such were the arguments made use of; but as one must certainly be false, ministers he apprehended would be credited by neither; and upon which ac-

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count it was that both countries seemed to be anxious for time that they might have an opportunity of judging for themselves, he would move that the chairman do leave the chair for the purpose, on the House being resumed, that he might move that their lordships final consideration of the propositions be at least deferred till next session.

The Earl of *Coventry* was determined to vote in favour of the propositions, because they were produced by a right hon. gentleman, who for his abilities was not only the admiration of his own country, but the wonder of the universe. The proposition on the table, he could not defend as a perfect measure; but he had so high an opinion of the right hon. gentleman, that he had not the least doubt but that at a future period their imperfections would be amended.

Lord *Dudley* saw so many evils arising out of the propositions in their present shape, that he could not hesitate for a moment in agreeing with the noble earl who had moved for the chairman's quitting the chair; so convinced was he of the injury they would be of to the manufacturers in this kingdom, that he should be ashamed to meet any person in his own neighbourhood, if he did not give them every opposition in his power: he perfectly agreed as to the effects they would have on the iron and glass trade; the latter of which, he observed, was particularly burthened in this kingdom, and as largely encouraged in every other; in France, for instance, the manufacturers of glass were ranked as gentlemen, and permitted to wear a sword; he did not know that such a distinction would have any effect in this country, but he thought they ought to be protected from the ruin they were now threatened with. Here the duty was upon the raw material; it very often happened, that some defect would appear in what they cast; it was obliged to be thrown into the melting-pot again; and as often as it went there, so often did it pay duty. He had heard it from a very respectable character, that although it had not been given in evidence, that it frequently happened, an apprentice before he was perfect in his business cost his master 300*l.* in the articles he spoilt, by their being so repeatedly subjected to the duty.

Lord *Walsingham* rose in defence of the propositions, and entered pretty largely into the situation of Ireland at different periods, and what acts had been passed in the British parliament in her favour; and having come to the present time, he declared it to be perfectly his opinion, that the present measure was the most advisable that could be thought of, and that the principal objections he had heard made to it were nugatory: it had been objected to as injurious to the colonial trade; how that could be maintained, he was entirely at a loss to comprehend, because the Irish were at this moment at liberty to carry their goods wherever they pleased; and although much stress had been laid upon the advantages of the Irish ports, on account of their contiguity with the West India islands, he thought that of very little consequence, as he did not believe they would be able in Ireland, any more than in England, to make above one voyage in the year; the sugars were ready for exportation about March, and the hurricanes set in so early as September; therefore it was unlikely, unless in a few instances, that more than one cargo would be attempted in the season. He contended that there were no grounds for the suggestions that had been made, that there would be an opening for smuggling, by their having permission to bring foreign goods into England, after they had been landed in Ireland. He said, that for more than a century she had laboured under particular hardships and restrictions, and that she ought to be relieved from them; these regulations, in his opinion, would effect that end, and be productive of a cordial friendship between the two countries; founded in that opinion, they should certainly have his most hearty support.

Lord *Derby* was sorry the House had still to regret the want of information how these propositions were to be beneficial to England. The noble Secretary of State had asserted they would be so; and for his part, he had no objection to assert the contrary would be the case; now, their lordships could decide only, according as they thought he or the noble lord possessed the greatest share of veracity; but nevertheless, he should not content himself with the mere assertion, but refer to the evidence which had been given at the bar. He wished the noble earl, who had been so lavish in the praise of a certain right hon. gentleman, had taken a better opportunity for so doing than on these propositions, which had been framed in folly, and supported by obstinacy; and which, indeed, notwithstanding they were presented as final, the minister's noble

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panegyrist was ready to admit, were very imperfect. The noble lord who had opened this business, if he was not very erroneously informed, made a little mistake in the arguments he had used in support of the necessity of passing these propositions, and with respect to the attachments being issued; his accounts of that business stated it to be on a very different subject, a subject that he should have been happy to have seen treated with a little more seriousness in this country, the reform of parliament; they had formed meetings for effecting that purpose, and for advertising those meetings it was that the attachments were issued. The noble lord had declared himself a friend to legislative union; he was a friend likewise to that idea, and had no doubt there would come a time when Ireland would view it as an advantage. The noble lord who spoke last, had taken a great deal of pains to prove that Ireland would derive no advantage from her vicinity to the West India islands; he would allow him one part of his argument, without admitting it to be the fact, that they would make no more than one voyage in the season; and he would then wish to know whether he considered being first in the market as no advantage? That there would be an opening for smuggling of foreign goods, was to him a glaring fact; for if a ship took her clearance from Dublin, she could come into the very river, and lay there as long as she thought proper, unless some officer chanced to go on board, and then it would be sufficient time for her owner to enter her cargo at the Custom-house; for on producing her clearance, she was safe from confiscation. By these advantages, Ireland would soon become the carriers of trade, and England lose one of her greatest benefits, the nursery of seamen; and notwithstanding it was now become the fashion to admire novelty, and to defend fortifications, he hoped he should never see the time when England would neglect her grand bulwark, and put confidence in any other defence than her wooden walls. His lordship then adverted to the treatment the manufacturers had received from administration, which, he said, was most scandalous; and, in particular, he instanced Messrs. Walker and Richardson, who had been sent as delegates from Lancaster, to solicit the repeal of the fustian-tax: these gentlemen underwent a long examination, as they conceived, about the business on which they had come to town, but observing many questions were put to them, entirely foreign to the subject, it struck them their replies would be construed to relate to the Irish propositions; they asked if such was the case, but could get no answer. Was such a treatment defensible to men of repute and character? There was a kind of contradiction in the arguments of the noble lords who were friends to these propositions, for which he could not account; they asserted it was absolutely necessary to pass them into a law, and denied, in the same breath, that they were to be of any advantage to Ireland. Why pass them? Where existed the necessity? not in England, he would take upon himself to say, since several of the manufacturers had positively declared, if they passed, it would become necessary for them to transport their property to Ireland: one of those who made that assertion paid no less a sum than 20,000*l.* per annum excise duty. Would any member of administration be hardy enough to say, that the emigration of such a man would not be a loss to the kingdom? Would it be asserted, then, that the emigration of a million of manufacturers (exclusive of their families) was of no consequence? Was no attention to be paid to the prayers of at least one-eighth part of the inhabitants of the whole kingdom, who had already stood forward against these propositions? Was the nation in so prosperous a state as not to feel such a loss in the revenue? Rather, was not every individual so burthened with taxes, that he could scarcely live under them? This led him to another proof of the minister's transcendent abilities, and which he could not avoid mentioning to his panegyrists. After last year passing an impost so ruinous that he was compelled to repeal it, he this session, in his wisdom, had carried one into a law, which he could not find any person hardy enough to put in force; those who had been appointed by the act having publicly declined being the hangman to his will, and putting so unjust a measure into execution. His lordship concluded with declaring, that he had taken up so much of their time, conceiving it to be his duty to oppose a measure, in which the property of every individual of the kingdom was involved; and having done thus much, he should sit down contented, and let what would be the fate of them, he should be happy in his mind at having acquitted himself from having any hand in them.

Lord *Camden* said, that no man could

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be more sensibly impressed with the importance of the object which then agitated their lordships than himself. From the moment it had been presented to the House, he had devoted his mind to the contemplation of the subject, and had daily and hourly employed himself in weighing the several arguments for and against the proposed intercourse with the sister kingdom. The result of his inquiry was, that taking a comprehensive view of the matter, and looking to all the considerations essential to the true understanding of the system, it was a measure salutary and political, and which would be productive of many valuable benefits to the empire.

The objections to the system naturally divided themselves into two classes. The first was, that there was no necessity for the system: and the second comprehended the various arguments, evidence, and reasoning to prove, that if there was necessity for a system, this was defective, improper, and dangerous. In regard to the first, he was astonished to hear it asserted, that there was no necessity for any system. Nothing but the strongest necessity could, to his knowledge, have induced the present administration to undertake a business so weighty as the present, and which, however conducted, it was certain must be productive of murmurs and discontent. These, however, they had ventured to disregard, when they considered that the well-founded complaints of Ireland had convulsed that island from north to south. He would call to their lordships recollection the situation of the two countries prior to the year 1782. It was then admitted on all hands, that Ireland had been hitherto much oppressed, and that it was high time to lighten the burthen under which she had so patiently laboured and groaned. The share he took in that measure, rendered it necessary for him to state his opinion explicitly on this. Who did not know that the trade between the two countries was then, as it still was, very unequal? This was so much the case, that the Irish had been, oftener than once, almost in a state of open rebellion. Was not Ireland still clamorous? It was the cry of starving manufacturers on every side, that they were undersold by the English importer; they complained that their woollens were excluded from the English market, whilst a free ingress into theirs was allowed to the products of Britain; they urged that the admission and exclusion should on every principle of justice be reciprocal; and it must be confessed, their complaints were not without sufficient foundation. They had called aloud to their own parliament for duties to protect their infant manufactures; they had proceeded from complaints to menaces, and from menaces to riot. Even the prudent and moderate Chamber of Commerce of Belfast had adopted this language, when they said, "that by protecting duties alone, England had raised her manufactures to their present height, and that by such means only Ireland could expect to rise."

What was the gracious Sovereign of both countries to do in a dilemma like this? As king and protector of the interests of England, could he suffer Ireland to exclude English manufactures? As father of his people, could he see so numerous a body of his Irish subjects in distress, without offering to step forward to their relief? The Irish importuned their parliament in vain for redress? The resolutions before their lordships were calculated to remedy this inconvenience. As that was their professed object, it became their lordships to deliberate on their tendency and aptness with care, and regard every insinuation against their necessity as, at least, requiring proof. Were not his Majesty's ministers to guard against a circumstance which wore so threatening an aspect to the tranquillity of the empire? Suppose the Irish had laid their grievances at the foot of the throne, and importuned the Sovereign of both countries to take part with one against the interest, or at least the prejudice of the other! Here was the foundation of a civil war. And did it not become the providence of Government to guard against every such danger, as, by an emergency of this kind, might have embroiled the peace of the whole? All the world knew how sincerely this particular hardship was felt by the Irish. Their discontents were in proportion to their sufferings. Ireland had been convulsed from one end to the other. And after this, should their lordships be told, that the measure was unnecessary? Whether it was inadequate to the end proposed, was another point, which also demanded their lordships attention. That the resolutions were of infinite consequence, he trusted would not be disputed by any of their lordships; and so also were the grievances they were meant to redress. This was a circumstance of which they were all equally sensible,

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This settlement being final, his lordship admitted, was a good reason that it should be reviewed with long deliberation, and with strict attention; but it was not therefore to be inferred, that it should be so long delayed as to leave a doubt of its future conclusion. It should be considered, that the intermediate time was an interval of jealousy, of enmity, and of suspense between the two kingdoms, which could not too soon be terminated. For his part, however, he saw no necessity for a delay longer than the present, nor for more attention than had now been paid. Was it to be deferred *ad Græcas calendas?* or did those who did not find themselves now sufficiently informed on the subject, hope to remove that deficiency by endless procrastination? It had now been before parliament upwards of five months. They had heard every species of evidence on the subject, and they were surely as fully prepared to discuss and decide on the system now as they could be six months hence. He could assure their lordships, he had weighed the evidence which had been collected with all the candour and attention of which he was master. He owned it was of great and general importance; but after all he had heard, and all that had occurred to his mind on a very close and laboured examination of the infinite mass of materials, he could see no substantial exception to the trading spirit and tendency of those resolutions. He waved every sort of disquisition concerning a variety of collateral points, which some of their lordships had brought up in the course of the debate. It was the obvious sense and meaning of the system in general which had more particularly attracted his observations; for he presumed it was the common effect which all the parts of the system united was calculated to produce, that more immediately challenged the opinion of their lordships. But whatever their effect might be, he could assure their lordships in the most solemn manner, that if in his apprehension these resolutions, in any degree, infringed the rights, or tended to hurt the interest of the manufacturers of this country, he would cut off his right hand sooner than countenance them.

The pervading principle of this system was, a fair equality between the articles of the produce and manufacture of both countries, equally free where no duties were laid at present, and equally unencumbered where it was found necessary to continue those that now existed. That there were exceptions to this rule, he admitted; but these exceptions afforded no ground for the arguments that had been maintained. The peculiar advantages also of each country, notwithstanding all that had been said, were perfectly equal. On the one side appeared the relative cheapness of labour: on the other were the circumstances of large capital, superior skill, and long establishment in trade.

Now with respect to the argument of cheapness of labour, which had given such terrors to the manufacturers, he confessed he saw it without alarm. In a country destitute of money, manufacturers must for a time work at a low rate. This cheapness of labour, however, must only continue during the rudeness of art; and while it continued, the rich and manufacturing country must enjoy the benefits of superior skill. Greatness of capital had advantages beyond the reach of poverty. It divided manufactures into so many branches, that though the price to each artist distinctly might be high, the facility and perfection which they attained by being confined to a single branch, was productive of great benefits; and those benefits this country now had, and would preserve. That rude labour was cheap in Ireland, he would not take upon him to deny; but that the finer qualities of work bore prices equal to the same prices in this country, was equally certain, and had been proved at their lordships bar. Captain Brooke had found it impracticable to establish the Manchester manufacture, without giving the Manchester prices.

The greatest difficulty, his lordship observed, that appeared to him, was, the laying a proper countervailing duty; now, undoubtedly, it was a difficult point, as the goods when manufactured consisted of such a variety of different articles, and the evidence which had been adduced at the bar had declared that the fractions would be so numerous as to make it almost impossible, they had not said quite; and he was ready to allow there would be compound fractions; but, when the book of rates came to be settled, much might be done on that subject, and he trusted to the satisfaction and advantage of both countries. He had not been able to discover any medium line to be pursued between prohibitory or equalization duties: the one was likely to set the two kingdoms at variance, while the other, he trusted, might be so regulated as to be productive

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of the greatest cordiality; for by the staple commodities bearing an equal duty, the 10½ per cent. together with freight, &c. would act as a countervailing duty, and prevent either from underselling the other in its own market. As to the injuries that many of our manufacturers would suffer, he by no means could view them in that dreadful light as had been stated; neither the iron, the glass, nor the cotton would be so materially affected: the difference of duty on iron in both countries, to be sure, was great; but a capital was wanting, and it must be a great length of time before any danger was to be apprehended. Three most intelligent witnesses (Messrs. Walker, Peel, and Smith) had been examined on the cotton trade, and notwithstanding their threats or hints of removing their capitals, and emigrating with their workmen to Ireland, his lordship could not perceive any cause to be alarmed; for those who had already tried the cotton trade in that country, were convinced it was not easily to be accomplished; indeed captain Brooke had made an experiment, and although he was supported by grants of parliament, and every encouragement possible given to him, he could not make the business answer. The witnesses had ascribed as one reason of his failure, the badness of his situation; in that he must differ with them, as it was on the edge of a canal, close to a bog, which was necessary for fuel and other articles used in the manufacture. A great stress had also been laid on the cheapness of labour. The people of Ireland at present enjoyed each a little hut, and a piece of ground to grow flax; it was not a likely matter that they would give up what was a certain livelihood, for the chance of getting a trifle more wages; nor was it likely that the Irish would suffer a cotton manufacture of great extent, as it would tend to decrease their linens, and hurt the staple commodity of the country; but even if either Mr. Walker, Mr. Peel, or Mr. Smith, did put their threats in execution, to what part of Ireland would they choose to go? If they went near the capital, wages and provisions would increase in price, as population increased; and if they went to the south of Ireland, they would have to mix with a feeble, miserable, beggarly, bigoted set of Roman Catholics; or build a town for the purpose. Therefore, the establishment of a cotton manufactory in Ireland was not so easy a matter as imagined.

Trade, his lordship remarked, depended on a variety of circumstances—situation, industry, wealth, ingenuity, &c. Now Ireland undoubtedly had a number of parts well calculated for commerce; but then poverty, which was the parent of low wages, was inherent in the island, and nature seemed to intend she should belong to it; and it was not situation or riches, that always succeeded. The genius of countries must be consulted, and it was from their character that we must draw our conclusions. Two countries at this time presented to our view an important lesson. Spain was blest with the most happy geographical situation, with numbers of fine ports, with the richest soil, and with every requisite for manufacture and commerce; but her people were indolent and luxurious. They had no principle of activity or of industry in their motives; and they consequently, with all these advantages, were sunk in sloth and poverty. While Holland, on the contrary, without lands capable of maintaining with provisions its people; with ports so shallow, that they were found to build ships unlike those of all other states; without the means of manufacture; with every disadvantage of soil and situation; yet, by the natural energy and industry of their minds, by their sober and persevering spirits, they at one time possessed the carrying trade of all Europe, and were still one of its most considerable maritime powers. So in regard of the two sister kingdoms. Had England any thing in reality to dread from the competition of Ireland? The English were active, sober, and industrious. The Irish, he was sorry to say, were the contrary; and their tempers must change before they could be formidable to this country in manufacture or commerce.

The manufacturers, when speaking on the subject, had known their own interests, and had argued wisely. They had forgot, however, that this was a subject of political, not merely of commercial regulation; and that therefore no little circumstances affecting the latter could be suffered to disturb the arrangements of the former; but it was in such circumstances only that their interests could be overlooked. Could I think, added his lordship with great solemnity, that by supporting the present system, I injured in any material degree the country that gave me birth, I would sooner cut off this hand, than act with the remotest interference in its adjustment.

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The manufacturers of silk and iron had called, he said, for regulations to such an extent, that it was found impossible to comply with their demands. They had desired that such a duty should be laid on these articles, as would exclude Ireland from a competition in the American market. This, his lordship said, was impossible; as well might administration pretend to exclude them from the markets of Europe. This, with various requests of the like nature, should be traced to their true source, the itch of monopoly, which in this business had shewn itself in various shapes, and should in general meet with a disappointment proportioned to its avidity. The glass manufacturers, he added, had only complained of the duties here subsisting on their material, but had entertained no apprehensions of any competition from the Irish in our own market; and, in short, all the arguments that he had heard against the resolutions consisted totally in the difficulty of fixing the countervailing duties, and in the comparative cheapness of labour. Not one manufacturer had said, that the liberality of this country to Ireland would be dangerous, if granted with provisions to make both kingdoms perfectly equal.

Ireland, his lordship said, was so connected with this country in religion and laws, so much concerned in its prosperity, that he thought, as a statesman, and one bound to protect the interests of both countries, it was his duty to grant such regulations as might tend to lay the jealousies of one, and act for the mutual benefit of both; and no way appeared so likely to answer the end, as by a well-regulated system of commercial laws, and not by leaving it to protecting duties on one side the water, or laws on the other, which would create eternal divisions, and tend to distract both kingdoms, and give France an opportunity of taking advantage of the dispute. He could wish to say a few words before he sat down on a subject which had been much talked of, and that was, the navigation laws. Some persons had endeavoured to raise a jealousy on that head, and, in his opinion, on ill grounds; for as regulations must be made, and depend upon circumstances, they must originate in one kingdom; and it was natural for that kingdom which was the most wealthy to take the lead; and the other should not take umbrage, because of the preference, as she ought to recollect that she was indebted to this country for the navy which protected her trade; and, in case of a war, must bend her knee to England for that protection. The power of guarding our navy was what England never would intrust in any other hands; and if Ireland would not accept of this system with that reserve, he must say he should scruple in concluding the bargain. But as the interests of the two kingdoms were so united, he could wish to see the knot between them tied tight; he could wish it was a gordian knot; at all events, it should be his care to make it as fixed as possible.

Viscount *Stormont* said, he must declare himself an advocate for delay in a business where hurry might plunge them into such irreparable dangers. He was astonished to find their lordships enemies to deliberation, especially after they had witnessed the benefits that had flowed therefrom. Every moment of time which had been allowed, had thrown new light upon the subject, which was at first involved in perfect obscurity, and every new discussion had tended still more to demonstrate the absurdity and extravagance of the system. With this knowledge before their eyes, he confessed he was astonished to see them still advocates for unwise expedition. No positive necessity for speed was even urged. The Irish nation did not call upon their lordships for expedition. All men acknowledged that by the inquiries the system had undergone, it had been most materially benefited; and yet they were still to be hurried to the final decision at a time of the year when many of their lordships were in the country, and when it would be impossible to procure a full attendance. Much had been said of the idle fears and unfounded claims of the manufacturers. But would it now be said that their fears were vain? Compare the amended with the original resolutions. See what the face of truth and good sense has compelled ministers to acknowledge and correct. See what they have been taught by the manufacturers whom at first they professed to despise, and how much they have gathered from the seasonable alarm which was spread over the country. After this experience, can men be so thoughtless as to set down the resolutions even in their present state as perfect? Was it this draught, bitter to both countries, which was to banish every difficulty, to quiet every discontent, and to conclude all questions between the two? This system, which affecting the constitution of Ireland and

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the commerce of England, was unpopular in both countries; and yet it was held up by ministers as the healing and friendly draught which was to restore both to their proper tone and vigour. It was, though it excited the clamour of all ranks of men in both countries, to be the bond of union and source of harmony. They talked of the generosity on one side, and warmth of gratitude on the other, although it was grudgingly granted, and unwillingly received. Thus while every quarter of the horizon indicated a storm, the state pilots contented themselves with crowding sail, fearless of fate, and regardless of every danger; and though the breakers dashed from the opposite shores, they precipitated the vessel upon the rocks, which others, not less bold, but more cautious, would willingly strive to avoid. Every one knew the happy consequences that had already flowed from the opportunities the other House had given the manufacturers to state how ruinous this monster of a system would have been to them, had it been adopted in its original state. Even since the propositions had been brought before their lordships, it had been discovered that the proprietors of works, &c. secured by patents would be ruined, if some security was not found for maintaining to them their exclusive rights: a noble lord (Sydney) had intimated an intention of moving an amendment to that effect; he was glad to hear it, and the more so, as such an amendment would save to the patentees of Great Britain a property worth considerably more than one million sterling; which would have been lost to them, had their lordships been as precipitate in passing the propositions as some noble lords wished to have been. This was one happy effect of delay; and he made no doubt but if the same cause was suffered still to operate, similar salutary effects would flow from it. He intended, at a proper time, to move an amendment relative to iron, which he hoped would prevent the ruin with which the propositions in their present form threatened that great and extensive manufacture. He was happy to hear the learned lord who spoke last, acknowledge the fact, that by the fourth resolution the navigation laws were continued in the custody of Britain. It was his clear opinion that they ought to remain in the hands of this country, and as the learned lord had truly said, as laws for the protection of our commerce and navigation system must originate somewhere, it was wise and proper that they should originate here; but, surely, when this was granted, it was idle and childish to contend that this was not in fact an assumption of the power of legislating for Ireland. Did it require argument to prove that where we sent over an act which Ireland must implicitly follow, in the acceptance of which she had no discretion, and which she neither was to alter nor reject, that we did not, in so far, take from that kingdom the power of legislating for herself? It was a fact which he would not insult the good sense of the kingdom of Ireland by an endeavour to palliate. It was a thing which he considered as essential to the well-being, strength, and unity of the empire; and which, therefore, he would stipulate for without disguise. In the consideration of this scheme, it was for Ireland to consider whether in good sense and sound policy she might not concede to this provision; but it was ridiculous to confound what was plain, and pretend that that was not done which was the evident letter and the essential spirit of the propositions.

The noble and learned lord had said, as an argument for the present system, that it would conciliate the minds of the two people, and draw them into a legislative union, which was the object ultimately to be desired. It had been said by some, that the peculiar merit of the system of commerce then under consideration, was, that it would finally and permanently settle the intercourse between the two countries; but what appeared to others an excellence in the plan, was precisely what would defeat the object to which the wishes of noble lords, and the system itself, was directed, namely, to a union between Great Britain and Ireland: for if the settlement was to be final and permanent, there was of course an end of all hopes that the two kingdoms would ever be under one legislature: but though it should not be final, still he conceived it must necessarily prevent a union; because every possible advantage being held out by England to the Irish by the present propositions, she could have nothing reserved by which she might afterwards induce them to consent to a union: after this she could have burthens only to offer to Ireland; a very bad inducement to a union of legislatures. What was the true way of accomplishing this object, which the learned lord said was so much coveted? Was it not evidently by a reservation of the good things which we possessed, until

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the time that Ireland should be disposed to share our circumstances? That a full legislative union would be ultimately as beneficial to Ireland as to this country was what he sincerely believed; and he objected to this scheme of intercourse because it would retard, and in all probability render impracticable, that more happy conjunction. By the present system we abandoned one which had been justified by effect. We gave up in our distress what was claimed in the most urgent manner by our necessities. In our rising prosperity, in the reign of Charles 2, it was thought necessary to restrain Ireland by the navigation laws, which, in our present delicate state, we thought proper to resign. Such a conduct would be folly in any situation; in the present it was madness in the extreme.

A mutual monopoly had been formerly the basis of our colonial system: from this in the year 1780 we had thought proper, in some degree, to depart, by permitting Ireland to maintain a direct intercourse with our colonies. The present administration had gone infinitely farther, by granting them the supply of our own markets; yet had prided themselves on their superior intelligence, and had said that the grant of 1780 was the blow to this country. A double market was the great object for Ireland. Without this, though the Act of 1780 was a favour, it was a favour not injurious to Britain. What she profited she drew from her own consumption. Ireland had made ample use of the privilege, by increasing her imports from the colonies in a great degree; that of tobacco, for instance, had been augmented from one to four millions of pounds. More was not thought of, until this voluntary offer of the present ministry permitting them to supply our markets with the produce of those colonies in the acquisition of which we had expended so much blood and treasure. The plea that had been held forth on this occasion was, that Ireland would in fact gain nothing. Why then, he would ask, would ministers spread a causeless alarm, when nothing was to be given? More truth, in his opinion, lay in the speech of Mr. Orde, who had frankly avowed the consequences of the system, and in the Irish House of Commons had prided himself in the disclosure; his avowal was plain and candid, whilst the declarations of the ministers were like the masks of antiquity, which presented a face smiling on one side, and crying on the other. That this indulgence would enrich Ireland, by encouraging speculation when our markets would be open to her, was a false idea; she had not capital for such a pursuit. The advantages she would derive were those which would gradually result from her situation. As Amsterdam had hitherto crushed the trade of Antwerp, England had hitherto, with a strong arm, repressed the efforts of her sister, which now, when freed from that restraint, would produce their natural effects. She would repay herself for the oppression she had sustained, by giving way to her local interests, and encouraging the progress of smuggling. She would contend with us in foreign markets; but that we might easily tolerate, as there she only took what strangers might otherwise receive. She would also enter into a competition with us in our own markets. The balance of trade with Ireland had hitherto amounted to half a million annually against us. When our importations of colonial produce into that kingdom would diminish, as they unavoidably must by the present system, the balance against us would be greatly augmented. With what infinite modesty, then, was the demand urged of protecting duties, which the learned lord had just before mentioned, without any symptoms of condemnation! But the fear of protecting duties was held up as an argument against the present system; how idly, he would leave those who had considered the Irish market to determine. It was by no means to be dreaded that Ireland should lay protecting duties on our manufactures at the hazard of excluding her linen manufacture from Britain. As he had stated, the balance was greatly in their favour, and it was not to be imagined that the manufacturing part of Ireland would suffer a scheme to take place so injurious to the real interests of the country.

The immediate result of the new system would be the emigration of our manufacturers; for, independent of the local advantages of Ireland, its many fine and commodious ports, plenty and cheapness of provisions, freedom from taxes, and other peculiar circumstances, the resolutions themselves held forth temptations to the manufacturer. His lordship entered into a particular discussion of the resolutions as they affected the several branches of our manufacture, and stated various facts to shew the inaccuracy, the omissions,

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or the errors with which they still abounded. The leather manufacture was subject to an excise of 15 per cent., the price of the article varying at the same time from 3*d.* to 5 pence per lb. How was the countervailing duty to be laid, if at an average, which, *primâ facie*, was the most equitable way, the Irish merchant would export only the prime part of the commodity, which would thus enter our markets at an inferior duty? Of glass, they would export that of the lowest value, to which a disproportionate duty attached itself in this kingdom. In this countervailing duty were those on the subordinate materials of manufacture, such as soap, to be included? or would any allowance be made for the numerous taxes of every necessary of life which burthened the manufacturers of England, and from which those of Ireland were totally exempt? The mention, he observed, of superior skill giving a permanent advantage under such circumstances, was merely an appeal to national vanity, and bore not the appearance of rational argumentation. It would be futile for an enlightened nation, he said, to rely on things so transient. The history of the progress of arts and sciences would afford such abundant instances of their mutability, as would tend to demonstrate the frailty of such expectation. Neither poverty nor the want of skill were fixed and permanent inconveniencies. He desired their lordships to look to the state of Paisley. Thirty years ago there was not a loom in the place; now there were upwards of 6,000 in that remote and obscure corner; and what was still more extraordinary, their productions now formed a very considerable part of the ornament, and contributed to the elegance of the court of France.

There existed, his lordship said, under the present settlement, many advantages on the side of Ireland respecting prohibitions in the articles of hides, tallow, and linen yarn. They were also to receive our coals under such a trifling duty, as would enable them to export them again to advantage. If the present system should be adopted, then this country would be bound to admit Irish linens duty free for ever, and to keep up the duties on foreign linens: this might be found to be of serious consequence in future negociations with foreign powers, who might insist, when Britain might be negociating an advantageous alliance, that the duties on the linens of that power should be taken off; or, perhaps, that power might be tempted to force us to such a measure, by laying prohibitory duties on British manufactures imported into its dominions. Much had been said of the return that was to be made by Ireland for the sacrifice to her of British interests; but he was not sanguine enough to hope that the surplus of the hereditary revenue would ever amount to any considerable sum; for his part, he was of opinion that this country would never gain so much by it, as she would lose, if Mr. Peel was to carry over his trade and manufacture to Ireland, upon which he paid at present 20,000*l.* a year to the crown; many of the branches of the hereditary revenue were very precarious; the revenue arising from ale licences, for instance, had produced last year 1,000*l.* less than it produced a century ago; and, on an average of 30 years, the whole of the hereditary revenue exceeded 656,000*l.* only in six years. It was a precarious return for a substantial good. But it was calculated to promote delusion by its obscurity, and he had no doubt but coffee-house politicians had already seen in idea imaginary fleets arise to fight our battles from this surplus of the hereditary revenue of Ireland. But if the money arising from it was to be settled, if the parliament of Ireland was to have the right of pointing out the precise service in which it was to be employed, and in what precise manner it was to be laid out, he had rather renounce the sum, if it was to be twenty times as great as some sanguine people flattered themselves it would be, than accept it under such a condition. The disposable surplus of the hereditary revenue would, he feared, be a source of jealousy and discontent; and possibly it might happen in consequence of it, that the Irish parliament would disband the 3,000 men annually paid by Ireland, and given to England for the defence of our colonies: this, indeed, would be a loss to us far greater than any benefit that could arise from the surplus of the hereditary revenue. But this was not all he had to say on the subject of this surplus: it had been a question many years ago, and never decided till these propositions were brought in, that whenever there was a surplus of the hereditary revenue, it belonged of right to the crown: the parliament and ministers had often disputed on that point; these propositions however had determined it in favour of the parliament; but as he himself was of opinion that it ought

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to be considered as the property of the crown, he would not make himself a party to any resolution that should divest the crown of its right. Much dread was to be entertained from the declaration, that a preference was to be given in all times to Ireland. It would soon be felt by the effect it must have on the commercial interests of every country in Europe, who, no doubt would take umbrage at this predilection. Nay, he was certain, that if the resolutions passed into a law, ministers would next year find themselves in some difficulty respecting a commercial law with a foreign country, which then expired; and which, undoubtedly, would not, if these Irish resolutions passed into a law, be renewed on the same advantageous terms to England.

There was one matter which it was very necessary to consider upon the whole of the propositions. They were the result of a private cabinet system, neither sought for by the parliament of Ireland, nor pressed forward by the parliament of England. They were the unwise result of a supposed idea that Ireland would insist upon protecting duties. But what were these protecting duties? They were, as he had said, a speculation; for Ireland well knew that her very existence, as a commercial country, depended upon the protection that the navy of England gave to her shipping in time of war, and without which she could carry on no commerce at all. Much stress was laid upon the system of countervailing duties, but how were these countervailing duties to be laid on? How was it possible to form the line, and by what plan of regulation were they to operate? He wished any lord who honoured him with a reply would only state any single possible case in which by a countervailing duty, he could make out the system of reciprocal taxation. The witnesses at the bar had been asked the question: they had admitted it was barely possible; that it did not amount to an actual impossibility; but they uniformly declared that they did not know how it could be managed and truly ascertained. Hence it was evident, that one principal basis of the propositions was on a foundation of air, and not of substance sufficient to support it. As to emigrations, there could be little doubt but they would increase every day, and verify the words of the respectable manufacturers who were heard at the bar. They were speculatists for happiness on a plan of permanent duration, and noble lords should not measure the sentiments of those men by what their lordships felt. The ideas of the peer and the manufacturer were totally different. The latter had no fallacious enjoyments to fill his mind, no visionary pleasures to gratify his fancy, no idle chimeras to employ his brain. He was not locally attached, only as business and his family endeared him, to the spot where he lived, and when he removed them to a country governed by the same laws, and practising the same religion, the place where he fixed would be as dear to him as the place which he had left, for all his pleasures were his family and his manufacture. The advantages arising from the low price of labour, the cheapness of provisions in that country, and the circumstance of having two markets to resort to afterwards, the English and the Irish, would be found to be so great, that those who could resist them, must have a much greater regard for the country of their nativity than generally fell to the lot of man, who was naturally inclined to make his own interest the primary object of his pursuit. He stated also the danger that would arise to the revenue, from the circumstance, that the persons whose duty it would be to execute in Ireland the laws that should be made for preventing the importation of foreign colonial produce into that kingdom, and thence into England, would not be under the control of the British legislature. Hence it might naturally be expected that a door would be opened to a fraudulent and an illicit trade. This, in the best regulated government, was an evil to be apprehended; when the interest of the government as well as the duty led them to vigilance and activity. The laws against smuggling were not carried into effect with the least success; but if the interest of a state led them to wink at contraband trade, he was afraid there was little reason to believe that the mere statute would incline them either to solicitude or activity. Now, there was no evident interest that could induce Ireland to give a preference to the produce of the British sugar colonies. This interest would certainly lead them the other way, because the same capital employed in the one trade and the other, would increase the amount of the imports, and consequently of the duties, if the adventurer brought foreign sugars instead of British. What, then, must be the fate of our colonies? and what the fate of the many thousands whose property was involved

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in theirs? The noble lord concluded with saying, that on a view of all the circumstances and provisions, he must declare it as his opinion, that if these resolutions were called for by Ireland, we ought not to concede them; and to grant them unsolicited, and even against the wishes of the people of Ireland, was the height of indiscretion and absurdity.

The Marquis of *Lansdowne* said, he could not possibly agree with the noble lord who preceded, and those who had formerly spoken, in their objections to the measure. If even one-tenth of the allegations they had made were founded in truth, Britain should not only shrink from the arrangement, but even Ireland should tremble at the acceptance. Yet were the benefits received, he could admit that the consequences they had stated would follow, as it had appeared by the experience of late years, even to a mathematical certainty, that whatever benefits Ireland received from this country, so deep was she drawn into the vortex of our good or evil, that the share she took in our subsequent misfortunes, was more than sufficient to counterbalance the precedent advantages. This, his lordship said, was evident from the circumstances of the late war; with every profit of the provision trade, &c. she has not yet recovered from the share which, by a connexion so intimate, she took in our calamities.

With respect to the present arrangement, he should not enter into any discussion of the interests of Ireland, as that care more properly belonged to her own parliament. He would give every indulgence to ministers, who, if they were not infatuated, would give that attention which a business of so much importance demanded. He had the utmost reliance on the industry and abilities of the noble duke who was at the head of affairs in Ireland, and his secretary. Their property was one ground of confidence; and he was certain, that at least they would not disgrace themselves in a transaction, to which, in every respect, they were perfectly equal. With regard to our own ministers, they must be lost in the most criminal infatuation, if they had not prepared this great system, with due and proper consideration; if they had not made themselves thorough masters of all its bearings and tendencies, and consulted with every individual capable of giving them light and assistance.

It had been stated that this system was a deviation from every thing that had preceded. To this doctrine he could not subscribe: the deviation from the old system had its crisis in 1778; and since that time, various steps had been taken, and this could only be considered as a continuance of the same course. In the year 1778, and still more so in the year 1780, he confessed he had his ideas on the subject of the relative situation of this country and Ireland: at the latter period, in particular, he thought an advantageous and honourable settlement might have been made to answer a double purpose—to conclude all political and commercial questions between this kingdom and Ireland; but by the liberal conduct of Britain in that treaty, to have held out to America, an example worthy her imitation, and by which that continent might have easier secured her happiness and prosperity, than by the means which she pursued. In the year 1782, when the still farther step was taken, and in which he had the honour to have a share, he assured their lordships that he was actuated by the same feelings: he wished to see the connexion between Ireland and this country established on principles of equality and reciprocity; and it was now his earnest solicitude that a system should be formed, the fundamental principles of which should be permanent. He always understood that what was done in 1782 was to be followed by a final adjustment of all differences, and that the commerce of Ireland was to be relieved from its restraints, as well as her legislature.

Much had been said, and many references drawn from the evidence of the manufacturers. No man respected the manufacturers more than he did; they were sensible, enlightened, clear-headed, and provident. No men were better informed on all the subjects with which their trade was connected, than that body; and ministers must always find it their interest to consult with them, and to take their advice. They were liberal in their characters, and stedfast and distinct in their views. He had always been in habits of intercourse and friendship with them; he boasted of the connexion; and if at any time he had been able to advance any thing in that House on subjects of trade, which had recommended itself to the attention of their lordships, he was indebted to it for the information he had gained from the manufacturers and merchants of Great Britain. But when he spoke in these terms, he and their lordships must always remember that the manufacturers

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were men; men like himself fallible, with prejudices, and subject to err, particularly where they were blinded by personal interest. Able as they were, he would not flatter them so far as to say that they were politicians, statesmen and financiers: there was always the personal bias to be guarded against, in conversing or in treating with manufacturers. He had observed that there were two things to which the manufacturer directed all his ideas of policy; the first was, the monopoly of the purchase of raw materials; and the second, the monopoly of the sale of his manufacture in the home market: these two branches of monopoly the manufacturer considered as indispensably due to him, and in all negociations with government, in every advice which they gave, these were always the first objects in their view. To such a length did they push this, that if you were to ask a manufacturer of Halifax, for instance, what was the greatest crime upon earth, was it felony, was it murder, was it parricide? he would answer, no, none of these; it was the exporting of wool. Under these ideas we had proceeded rather too far; under the notion of giving to the manufacturer the monopoly of the raw material, and of the home market, all taxes had been laid upon luxuries, as things were ridiculously called, (although he professed he knew not how the distinction was to be made between luxuries and necessaries); and the people of this country, the landholder and monied man were taxed beyond their bearing, and in the most disguised way; they were taxed by being obliged to sell their raw material at whatever price those who were interested in its being sold, should agree to fix on it; and they were taxed by being obliged to buy manufactured goods at whatever price the same men might choose to dispose of them. The people had no alternative; they could not send their raw material to another market nor go to another market for what they might want. He warned the manufacturers how they stretched this doctrine; it might be carried to a length that would open the eyes of men; they might desire to see the advantages on both sides, and to know for what good reason it was that they were thus to be subjected to bear the burthen of the manufacturers; to toil for them; and why it was that they must be driven by the multiplicity of taxes, direct and circuitous, to foreign countries, while their manufactures were cherished and relieved in every possible way.

The chamber of manufacturers he considered as an institution which might be productive of much good, and give a partial assistance to ministers: though he confessed he was an enemy to people assembling, and giving to themselves what names they pleased; publishing manifestoes, edicts, and he knew not what. He had no doubt but the chamber of manufacturers of Great Britain was very respectable, but he knew not with what pretensions they assumed that name; had all the manufacturing communities in Britain sent deputies to the chamber? He had not heard of any having come to it from his part of the country. It was, however, an institution nearly like what he had long wished to see established in the city of London. How far it was, in its present shape, politic and legal, it was not for him to inquire; the first came within the province of ministers, and the second of the lawyers. He hoped, however, they would keep themselves to their simple object, and not harbour the idea of setting themselves up as a body, to overawe parliament, or to interfere with the political measures of the country.

Noble lords seemed very much to apprehend, that Ireland having an unlimited trade, would soon be able to beat England out of the foreign markets; but he was convinced the apprehensions were groundless; for a country without a capital could not be a rival: in order to supplant England she must be able to carry on two very distinct kinds of trade, the carrying trade, and the *depôt* trade; for the former, ships were necessary; now, the value of money requisite for fitting them out was higher in Ireland than elsewhere: in Holland, the interest of 1,000*l.* (for which he would suppose a ship of a certain rate to be built) at $2\frac{1}{2}$ per cent. was 25*l.* per annum; in England, at 5 per cent. 50*l.*; and in Ireland, at 6 per cent. 60*l.*: here was at the outset, a difference of 35*l.* between the value of the 1,000*l.* in Holland and in Ireland; and of 10*l.* between the latter and England: in the carrying trade, therefore, Ireland could not possibly be a rival. The nature of the *depôt* trade he explained this way: a merchant speculating upon a probable scarcity, at a future period in a market, lays up, *en depôt*, a certain quantity of goods, until that period arrives; but in order to do this, he must be able to lie out of his principal for a long time: and besides this, houses were to be built; the necessary engines, utensils, and materials

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to be provided; a stock to be laid in; all this, Ireland could not do by any means, for she had no capital; it was well known that money was scarce there. It would, therefore, take many centuries before she could arrive at the stage of opulence and perfection in which England was at this moment; and many more before she could surpass her, unless it was supposed, what ought not to be supposed, that England would in the mean time neglect all her own advantages, and stand still to wait for Ireland. The noble viscount had said, that a stipulation to receive Irish linens duty free for ever, and continue the duties on foreign linens, might be attended with bad consequences in a future negociation with some foreign power; but he would never believe that any foreign power would act so improperly, or so indecently, as to take offence at privileges bestowed upon fellow-subjects of one common sovereign. He was sure no prince would load British manufactures with prohibitory duties for such a reason. He had heard it said by the manufacturers and by noble lords, that in case these resolutions were to pass, the empress of Russia would be offended. There was no man breathing could entertain a higher veneration for that sovereign than himself; he held her in a kind of worship, and considered her as one of the greatest characters that history could produce: but if the empress should think proper to take offence at this country for what she did with respect to her own dominions; if she should meditate any thing, in the most distant degree, unfriendly to this country, he dared to say it was not necessary for him to recommend to the noble marquis who had the care of the foreign department, the course he ought to pursue. He knew how well the noble marquis was able to judge for himself, and how high his character was at the courts abroad: but surely the noble marquis would, in such case, remind the empress of the obligations she was under to this country; that without us she never would have been able to send a ship into the Mediterranean; to have raised herself to power, or in truth to have been any thing. He had no doubt but the noble marquis would always know how to speak, and when to speak, on such occasions. Other powers in Europe had been nibbling at this country; powers who were, as he thought, sufficiently employed, and who ought not, especially in such a moment as the present, to provoke the power of this country. He laughed to scorn all such impotent menaces; there was not a power in Europe whom a look from this country would not deter, or suddenly bring back from any resolution that they might hastily give into from pique. This was the material distinction between this country and the powers on the continent; that there was not one of them who must not sacrifice their commercial to their political interests; whereas such were the peculiar circumstances, and such the good fortune of England, that she could at all times make her political yield to her commercial interests. This was the advantage which she at all times had, and which, in the management of a minister of address and spirit, a man who knew when to time his remonstrance, and how to maintain it, must always protect us against the little, miserable policy which should induce a rival state, on account of our partialities to a sister kingdom, to lay duties of 40 per cent. on our manufactures. He did not mean that we were to enter the lists with them by a war of prohibitions; such had been too often tried: but statesmen would know what he meant. Six months would not pass without presenting an opportunity for this country to talk to the proudest power of Europe, and to talk to the purpose.

When the manufacturers expressed their apprehensions, therefore, that by giving a preference to Ireland, the foreign markets might be lost, they spoke without knowledge of the faculties of Britain. He saw no terrors in this preference; and upon this account the manufacturers had no occasion for alarm. They had, indeed, a true subject for complaint in the taxes that were laid upon the premature state, and on the stages of manufacture. That which cramped their ingenuity, which disturbed their efforts, which exposed their secrets, which took from their industry its freedom, and from their art its security; all these were, inconvenient: and it was also impolitic to lay taxes upon such manufactures as were yet in their infancy, or were in a progress of competition with foreign states. What, for instance, could be more impolitic and shameful than to draw the sum of 80,000*l.* by an excise, from the raw material of that beautiful manufacture, glass, which we had brought to such perfection? By this injudicious duty in the first instance, the manufacturer was prevented from making experiments, the only road to improvement. He was convinced that if the glass manufac-

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turers had the means of making experiments, we should carry that beautiful article to a height beyond the imitation of Europe; and should consequently enjoy the whole of the market. He mentioned this particular article, but the principle was more or less applicable to all the branches of our manufacture.

The objections to the resolutions naturally divided themselves into different classes. In the first were those which were totally without foundation, and these were not the fewest in number. In the second class were those which could be remedied in future, in which were all matters of mere regulation. In the third were those which could not be remedied, and which, in our consideration of the whole subject, we must weigh, to know whether, for the sake of the advantages, we ought not to submit to them. Among the first he reckoned the objection that was made to the system on account of its being final. That it was final, was with him its praise; the fundamental principles he hoped would be established on the most permanent footing; but these did not comprehend the detail of the system. Let the two nations understand one another, in the first place; let them fairly meet on fundamental principles; and having acquired mutual confidence in each other by the faithful settlement of the foundation, all the subsequent considerations might be easily and gradually discussed and determined: then these countervailing duties, which all sides acknowledged to be of difficult adjustment, but which nobody would assert to be impracticable, might be regularly settled at the discretion of the two parliaments; and they might always be adjusted to the circumstances of the times, and be changed as occasion and necessity might require. He had ideas on the subject; he could not give them the name of a plan; but he thought it would not be impossible to suggest a method, by which, after settling the fundamental principles, all the body of the system might be arranged. When noble lords objected to the system being final because it might prevent a union between the two kingdoms, did they for a moment consider the practicability of a union? There were several circumstances that distinguished the cases of union with Ireland, from that of Scotland. He had always admired the wisdom of those great men who had regulated that momentous business with Scotland. In Scotland the two crowns were not at the time united; but in Ireland the two crowns were already so. Another thing which was of the utmost importance, a union of laws, had not existed in Scotland, where to this moment both the judicatures and principles of law were distinct from ours; but in Ireland the laws were already the same, and more depended upon this circumstance than could easily be named. Before a union was talked of, ministers must know the temper of the people of Ireland. High minded and jealous of their liberties, ministers must first learn whether the Irish nation would consent to give up their distinct empire, their parliament, and all the honours which belonged to their own royalty and state.

The noble viscount seemed to think the hereditary revenue would not produce a great surplus, because the ale-licences had produced less of late than they did 100 years ago; but he did not think this was a convincing argument; many taxes in England had produced less of late years than a century ago. In Ireland, the falling off in the ale-licence duty arose from this, that the people there, as well as here, had of late given into the pernicious habit of drinking spirits: the other duties, however, could not decrease; and most of them would certainly increase. But the noble viscount might turn his thoughts with pleasure to this circumstance, that the Irish parliament, with a generous resolution to relieve the hereditary revenue, had actually laid on new taxes to the amount of 140,000*l.* a year; and by a wise and a liberal regulation, had increased the hereditary revenue full 30,000*l.* per annum. The noble viscount was apprehensive that the 3,000 men that Ireland lent annually to England, and paid out of her own Exchequer, might be recalled and disbanded; he should rather reflect with satisfaction, that instead of 3,000, Ireland might now, whenever the exigencies of England might require it, send 15,000 men to the aid of England, that was to say, her whole military establishment, being herself secure from hostile invasion, through the numbers, discipline, and spirit of her volunteer army: Ireland was in little danger of becoming an object of a descent in any future war; for she had convinced all Europe that she was able, with her volunteer forces only, to repel the attack of the most powerful nation in Europe. And here he joined issue with the noble viscount, who had objected, that the plan included a surrender of a balance of the

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hereditary revenue of Ireland, which balance appertained in right perhaps to the crown; but so far from this being an objection, he thought such a display of generosity on the part of the crown political. With respect to the equivalent in time of war, the propositions were silent, and properly left every thing in such case to the generosity of the Irish nation. When noble lords had been talking of 3,000 men lent by Ireland to the service of England, there was a far more ample field for return; namely, the hearts of two millions and a half of people. Queen Elizabeth, who well understood these subjects, used to say, that she never was richer than when she left the money in her husband's pockets, namely, her people, only to be called for when rendered necessary by the emergency of the times. No people in the world had a more animated generosity, or effusion of heart, than the Irish; this had ever been their national character and their pride; nothing would be lost by trusting to it; and if Ireland had ever done wrong, it had been for the want of a good leading, and by the misleading of England. Here alone had been the grievance, and not with the generous Irish. When the subject of the return of Ireland was talked of, it was forgot what might be the negative advantages of the plan before the House; a small country only had it in its power to avoid a war; such a country might lie snug in the general contention, but a large country like England, must at all times be more or less liable to mix in a struggle. In the present state of Europe, no one could answer with certainty for a peace continuing at any time in it for six months, or for the part which it might be necessary for us to take in a war. We had had too much warning from the case of America of what might happen in that moment from Ireland: but he did not say that France would be the power precisely that was to interfere, but that there would always be found a France, sooner or later, to aid the confusion. He could not take upon himself to say what was the present temper and disposition of Ireland with respect to these resolutions: he was just from the woods; he had no correspondences; and he had not thought it proper, from the path which he had prescribed to himself in this business, to be very inquisitive; but from the common information of a private man, he could take upon himself to say, that delay would be most dangerous; that if the present session was to pass without this or something decisive being done, no one could answer for the consequences. To let things remain as they were, would, of all other expedients, be the most dangerous. We had raised the hopes of the Irish nation; they were on the rack of expectation, and they had minds too sanguine to remain long on the stretch, and relax ungratified into patience and submission. Something must be done respecting the general question of an adjustment, and the corner stone of connexion be laid in the present moment.

Lord *Loughborough* took up the argument of the noble marquis. He had said that the fundamental principles of the system were to be permanent and unalterable, and yet the duties on any articles might be altered or modified by the parliaments of the two kingdoms at their discretion. He wished the noble marquis, in saying this, had had the goodness to point out what were the fundamental principles of the system. He conceived the fundamental principles were, that the duties on articles in both kingdoms should be equal, and that the reciprocity of the intercourse should depend on the very circumstance of this perfect and complete equality. How, then, could the duties be altered at the discretion of the parliaments of the two kingdoms, and the fundamental principles of the system at the same time remain fixed and unalterable? That the equalization of duties was the fundamental principle and corner stone of the resolutions, he referred to the original copy as introduced by Mr. Secretary Orde to the Irish parliament. He read the two resolutions, which state that the duties should be the same in both kingdoms, and that where any article was burthened with an internal duty in either kingdom, a countervailing duty should be laid on the same article in the other, and he accompanied the reading of these resolutions with the commentary which Mr. Orde had made on the occasion, as stated in the Irish newspaper, and which he understood conveyed faithfully the substance of what Mr. Orde said in the House. His expressions were, that thus an end was put to all contest, for by this equalization of duties, Great Britain had it no longer in her power to crush the manufactures of Ireland. This certainly was considered by Mr. Orde, as the principle and foundation of the compact; and he had too good an opinion of him to believe, that he did not deliver

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himself to the full amount of his instructions, and that he did not say what he considered to be the intention of ministers, and the scope of their scheme. What, then, must be the feeling and sentiment of the Irish parliament, when they are told that that which they were given to understand was the corner stone of the building was to be removable at pleasure; that the duties were to be alterable at the discretion of the two countries, as circumstances might arise? Would they not justly complain of deception?

It was not in this instance only that they had been deceived. The resolutions, as stated to them originally by Mr. Orde, were most essentially different from those which their lordships had now before them. They had been committed on premises which did not now exist, and in the original method and plan of the whole business, both countries were equally deceived; for by the resolutions as they now stood, the intercourse was to take place on any one given article, where a duty could not be devised and settled to countervail the internal duties which might lie on it in the other. If no countervailing duty could be found, the intercourse, so far forth as that article, was not to take place; and the noble marquis agreed with the evidence at the bar, that there were articles where countervailing duties were hardly practicable, if at all so. If they should be found impracticable, what then must be the case? Why, that the intercourse was impracticable—and yet this was the system which both countries had received with good humour, and which was for ever to settle all differences between them! He desired to know if the settlement and management of those countervailing duties ought not to have been attempted previous to the exposure of the resolutions? Were there no arithmeticians in the two kingdoms—no board of customs—no commissioners—no revenue officers who might have set down and inquired whether, on any given article, countervailing duties were practicable or not?

The noble marquis had gone pretty much into the question of monopoly, and had manifested his sincere desire that all monopoly should be destroyed; the monopoly of raw materials in the infant state of the manufacture, and the monopoly of the home market to its consumption. The arguments of the noble lord in defence of these modern doctrines, or rather old and exploded doctrines revived, were addressed to the landed and monied interest of the kingdom with extreme art, but he trusted, in the present day of light and intelligence, that his doctrines would never be embraced. He said, there was a time in the reign of Charles 2, when these monopolies were abolished, and when the raw materials were in the first instance freely transferred to France, and her manufactures as freely received again. What was the consequence? France manufactured for England, and supplied us with every thing but heavy broad cloth. Did the farmers and land-owners find this to their advantage? Did they find that the foreign market for the raw materials of England was superior to the home market? No. Light broke through the prejudices of the court. They saw that it was valuable to give to the manufacturer the raw material and the home consumption, as by that means he opened foreign channels of trade, and drew the money of all nations into the pockets of his countrymen. If, therefore, there were at this moment any idle and silly conceits engendering in the minds of men of opening a trade with France, and of taking her manufactures for our materials, he had no doubt but the good sense and enlightened policy of the nation would overturn any such speculative chimera. By the language of the noble marquis, he did not seem to wish that any effectual preference should be given either to our own manufactures or the manufactures of Ireland; but that his system of commercial freedom, like that of the Dean of Gloucester's, should throw open all the ports of Britain to the manufactures of all the world. Of the writings of the reverend Dean, he must say, that he never read them without information on this particular subject; he had said, that the original ten resolutions would be advantageous to this country; 1. Because they would destroy the abominable monopoly of the West India colonies. 2. Because they would destroy the more abominable monopoly of the East India trade—and 3. Because they would abolish the most abominable of all monopolies, the monopoly of our navigation laws. Now these advantages, which the Dean had taken the pains to state to the world in a pamphlet, were all done away as the resolutions now stood; for the West India monopoly was to be from henceforth bound round the necks of England and Ireland, from which it was never to be loosened; the East India monopoly was provided for by a

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special resolution added for the purpose, and acknowledged to have been intended, though not published, at the beginning; and with respect to the monopoly of our navigation laws, so justly jealous were we of it, that no fewer than seven new resolutions were introduced to secure it.

The noble lord went into a distinct historical detail of the proceedings with regard to the emancipation of Ireland. He dated the year 1778 as the birth of the æra of her deliverance from slavish restrictions; and he praised the broad and enlightened policy of lord North in the system which he pursued, and which completely settled the commercial claims of Ireland to the present day; for the Acts of 1782 were merely the deliverance of that kingdom from political restrictions. The noble lord adverted to what the noble marquis had said of the manufacturers. Those gentlemen had proved themselves, in his mind, most deserving of the confidence of parliament, from the liberality of their minds as well as from their intelligence. They had all along said that they did not wish to deprive Ireland of the peculiar and local advantages of her situation and soil. They only wished to start fair on the ground; and they at the same time stated, that they did not believe that the consequences of these resolutions would be instantaneously felt by this country. They had fairly stated that they had personal reasons for not transferring their property and arts to Ireland; but they said at the same time, that the advantages for manufacturers and merchants settling in Ireland, would invite them to do so in preference to settling here. They knew little of the genius or qualities of men, who hesitated in saying, that where interest was the end, men would not make their election of place where interest pointed out.

The noble lord went into a series of objections to several of the resolutions. In regard to the fourth, he must freely declare his mind, that thereby there was a manifest and clear re-assumption of the superintending legislative power. What could be more explicit than this? That we sent over certain Acts, and declared to Ireland, these Acts we think necessary to the good of the empire, and we call upon you implicitly to adopt them. The noble lord went at considerable length into the detail of the resolutions, and concluded with declaring, that the motion for leaving the chair, in order to give them an opportunity to discuss the matter more deliberately, to weigh all its parts, and to see whether a union might not be formed on terms of true and perfect reciprocity, was both a wise and prudent measure, and that for which he should give his voice.

The *Lord Chancellor* spoke of the indecency of the motion for the chairman's leaving the chair, with a view to get rid of a business which had occupied so much of their lordships time, and after they had spent upwards of three weeks in the hearing of evidence. He then touched on the object of the resolutions, the general policy of which went to unite more closely the interest of the two countries, and to establish on a firm basis their commercial intercourse. He then recapitulated the various resolutions and acts which had passed for accomplishing that purpose from 1778, when the relaxation of our authority over Ireland began, to the present time. From the resolution of 1782, he said, it was clear that government intended to perfect that commercial system which was then begun. In countries so closely connected, separate interest ought not to exist: he was therefore sorry to observe with how much industry the ill-founded clamour of the manufacturers had been excited. He said our domestic and foreign enemies had taken no small pains to promote jealousies; but notwithstanding all this clamour, he was not willing to allow that the measure was unpopular, even though 120,000 names had appeared on a huge mass of parchment, declaring their dissent to the proposition. It was well known that these names were procured with much industry; even schoolboys were admitted to sign their names. Nor could he allow all the weight to Mr. Wedgwood that had been ascribed to him. He considered him as a respectable manufacturer; but though he was a good potter, he was but an indifferent politician. With regard to the infringement of the legislative authority of Ireland, which had been so long dwelt upon by some noble lords, and by the learned counsel at the bar; he denied that such would be the consequence of the resolutions. If the parliament of Ireland did not make laws for the protection of her trade, then it was at an end. Was not the colonial trade granted to them on that condition? Such laws did then exist in Ireland, but they were annual, and they were not obliged to renew them. The very meaning of the word 'participation' implies, that it may

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be of mutual advantage to both countries, and without that, the basis of the treaty is broken, and it must fall to the ground. He would beg leave to ask if it was of any consequence in a treaty of that kind, which was founded on reciprocity, on which side it originated? As to countervailing duties, he had no difficulty in declaring it to be his opinion, that they would be fully adequate to the end proposed. Upon the whole he hoped he had said enough to impress their lordships with the necessity of coming to a conclusion with the arrangement proposed.

The committee then divided on the question, that the chairman do leave the chair: Contents, 27; Non Contents, 58. The original motion was then put and carried.

On the 11th, 12th, 13th, and 14th, the House resolved into a committee, and various amendments were proposed to the propositions. On the 15th, the Resolutions were reported to the House.

July 18. The order of the day for going into the report of the committee on the Irish resolutions, was read, upon which the clerk proceeded to read the first resolution, when

Earl *Fitzwilliam* said, that he had heard it argued, that the adjustment now going forward was necessary on the authority of a resolution that had passed that House in the year 1782, which laid it down that a permanent ground of connexion ought to be established between Great Britain and Ireland. This resolution, he said, did not extend to, or comprehend any idea whatever of a commercial nature, but was solely confined to political objects; and this opinion he would by no means relinquish, unless the minister, who had brought it forward, was ready to stand up and declare, that his object in proposing it, was one that related to commerce, and should also bring with him such proofs as were in his power, of the truth of his declaration. This necessity had also been attempted to be proved from the riots and discontents among the manufacturers of Dublin; but that he by no means admitted as a sufficient reason for the concessions granted by the present arrangement, looking upon it, as he did, to proceed from that licentiousness with which captain Brooke had described those persons to be infected. The demands which that mob had made were for protecting duties, which their parliament had very wisely, and he was sorry to say, with more fortitude than had been shewn by the minister of England, refused to gratify them with, knowing that such a measure was by no means necessary. Since, then, these clamours of a mob had been received as dictates by a British minister, why did he exceed them in his acquiescence, and why did he, in compliance with a demand of protecting duties, introduce a system that overturned the whole policy of the navigation and trade of Great Britain; for he would again repeat, that the universality of the plan now proposed was a proof of the indiscriminating weakness of those from whom it originated; who in despair of discovering the proper objects which the arrangement ought to embrace, had wildly and wantonly extended it to all. But another reason besides the want of protecting duties might be assigned for the prevalent discontents in Ireland, reasons by no means connected with commerce, but wholly relating to constitutional considerations. These were the violent and oppressive measures pursued in that country, the proceeding by the arbitrary mode of attachment to restrain public meetings of the people for the purpose of deliberating on great national questions, a thing which they were indisputably intitled to do, and which no other judicial process could prevent but one which precluded trial by jury, and the right of appeal, two advantages from which the people were effectually barred by the doctrine and practice of attachment. If any thing could add to the injustice and inconsistency of such proceedings, it was that at that very time a circular letter was sent about the kingdom, under the sanction of the minister, and signed by a gentleman of some consideration (the rev. Mr. Wyvill) inviting the people to conventions and associations of a similar nature, and for the same purposes as those which were the objects of such intemperate persecution in Ireland. He begged not to be understood as intending to express any sentiments in favour of that measure, which was to be the object of those meetings, namely, a reform in the representation of the people; for though, on the first suggestion, it had appeared to him plausible and specious, yet upon considering it farther, and particularly on examining the different plans that had been produced by the friends of the general idea, and seeing the imprac-

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ticability of each, and also that, though a specific, and, as it was said, a well-digested and regular plan had been brought forward, of which, however, scarcely two persons could be found to approve, he had given up all farther thoughts upon the subject, and rejected it as visionary and impracticable. After this digression his lordship returned to the subject, declaring, that he did not consider a commercial arrangement with England as a thing demanded by Ireland, much less did he consider that specific plan now before them in that light; for, in the first place, even the original propositions he had never looked upon as propositions from the parliament of Ireland to that of England, but as a proposal of the minister of England to the Irish parliament. Those propositions had been moreover so altered, so mutilated, and so amplified, that let the original system have been never so proper, the present must have been in an equal degree improper, because they both differed in the most essential manner that was possible. What had appeared to ministers subsequent to the drawing up the original propositions for Ireland, to point out to ministers the necessity of making such material alterations in them, was a circumstance of which the House yet remained to be informed, and which it was to be expected administration would sufficiently explain. It happened that in this arrangement each party to the bargain would have an equal right to complain, for it was calculated to injure both Great Britain and Ireland. It had been argued, in opposition to the fact of labour being cheaper in Ireland than in England, a fact on which much argument had been raised against the system, that that cheapness was nothing but a consequence of the poverty of the country, and therefore could not operate as an inducement to emigration from Great Britain. This argument he contended was by no means well founded, because it was not the poverty alone of Ireland that made the wages low, but the exemption that country enjoyed from taxes; while, on the contrary, the heavy burthens of Great Britain were the causes of that high price of labour which some persons pretended to attribute to her wealth. This exemption from taxes would therefore promote the emigration of manufacturers to Ireland, if not in a few years, at least in process of time, for it was pretty certain that every manufacturer (that is, every father of a family, because in some branches, as in the cotton, the women and children are manufacturers) paid in taxes on his consumption and otherwise, 50*s.* annually. He complained, besides, he said, as an Englishman, of the resolutions, as sharing with another country that which every nation had a right, and ought, in common sense and common policy, to retain to herself, not only the trade with our colonies, but even our home market; nay, as making that country an emporium for our own trade with those very colonies, by allowing a circuitous intercourse between them and us, through Ireland. He also protested against them as an Irishman, looking upon them, as he did, in a light highly unfavourable to that country, as well as to this. Ireland was to be laid under new, and heavy, and unnecessary burthens, which he was sure she never would submit to. He instanced the article of salt, which, if used in Ireland for the purpose of curing provisions, would not be entitled to a drawback on exportation to our West India islands. This he said was highly impolitic, as it discouraged a trade which Ireland from every reason must always enjoy, and in which this country would never think of interfering. The article of rum also was to be subjected to an additional duty in Ireland, by which every person who chose to quaff a glass of that liquor was to pay double what he now paid, for the duty hitherto was but 2*s.* 6*d.* per gallon, whereas it was henceforward to be 5*s.*, which he said would bring in the sum of 150,000*l.* annually, which, by-the-bye, was not to go to the hereditary revenue, and therefore would be no advantage to this country, exclusive of its being a burthen to which Ireland would not be ready to submit. There was another objection which he should make on the part of Ireland, that she being to be bound at all times to lay such duties on her exports to our colonies as we should think proper to do, we might, if any fabric hereafter be made of the productions of this island, that would answer the purposes of West India consumption as conveniently as linen, (and that such a discovery might be made or introduced among us was evident from the discoveries of every navigator that had visited distant parts of the world) we should then have nothing more to do in order to secure the whole trade of clothing in the West Indies, but to lay a heavy duty on the export of our linen to the colonies, in which

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the Irish being obliged to follow us, their linens would be effectually excluded. Besides these objections which, both as an Englishman and an Irishman, he had to the system, there was another in the more comprehensive character of a subject of the British empire, whose general interests he considered as highly endangered by the arrangement, as it gave up many of the provisions of the Navigation Act, and tended to impede an intercourse with foreign states.

Lord *Sackville* began with saying, that the salutary effects which were to be the result of finally establishing the resolutions into a law, were what every individual who panted for the welfare of his country undoubtedly wished. Who would not be happy in that which was to bring about so many and desirable advantages? How anxiously had he attended, to see whether the data on which these flattering conclusions were formed, corresponded with those views of the subject which had more especially pressed upon his mind. He was not deficient in his assiduities to understand the system, and to comprehend those great and leading principles on which its principal operations would depend: but, he would honestly confess, the whole had struck him in a light very different from that entertained of it by the noble earl. The mode of its introduction to the contemplation of the public, and of the legislature of both countries, did not promise those material advantages which its advocates have all along professed to be its predominating object. It originated in the Irish House of Commons. Even there it was nominated as a complete, irrevocable measure. This obtained the sanction of the Irish parliament, and was offered to the British under an idea that it was to be final. When it came over, objections were brought forward; the manufacturers, a large, opulent, useful, and intelligent body of men, united in the general interest of the country. The motives on which their operations began, and were continued, appeared to him peculiarly honourable. They were startled at what was going forward—they hesitated. Every part of the system, apart or connected, seemed to them pregnant with mischief. What then did they do? They were alarmed; but they attended to the very great stake they had at hazard. There were two remarks which they made at first, and which the more the plan had been known, were the more confirmed. One was, that in those resolutions there was no trace of that reciprocity, which was said to constitute the basis of the whole. He wished this assertion had been satisfactorily contradicted by the subsequent evolutions of the system. The other was, that inconveniencies not to be surmounted would attend and mark every step of such final adjustment. Whatever had been said of these worthy, well-informed individuals, their general reasoning, even on the complexion of the whole system, involved and complicated as it was, had appeared hitherto unanswerable. Notwithstanding the perfection of these resolutions in their original form and shape, when first they were brought into the House of Commons, that which had been mentioned elsewhere with triumph as a final treaty, was, in fact, no more than a few scattered ideas on which one might be formed. There the matter was discussed with much ability, and a multiplicity of new articles admitted, which so changed the complexion of the whole, that it was no longer to be known for what it was. He was ready to confess, that in his opinion, all the alterations it then underwent, were for the better. The defects which were supplied by these, must in the opinion of every thinking person, have been followed with the most rapid and general ruin. The resolutions, in this improved state, were now before their lordships. Were their lordships ready to pronounce them perfect? Were both nations then so blind to their own interest, as in flat opposition to that opinion, in a great measure, to think differently? Would their lordships adopt a measure which should be binding on both countries, to which both countries were obviously averse? Was it advisable policy to unite a great majority in the two nations, against the discussion which their lordships were now to give? He had heard much about the full participation of commercial advantages, but he had not observed any of their lordships very forward to point out these advantages. He thought it required no great foresight to predict the consequences which they must produce. The matter was trivial to him, in comparison with many of their lordships. He could only be interested for posterity. His own personal concern in the issue could not be great, however it might turn out. He was come to that time of life, when it did not become him to be very deeply affected by any opinion their lord-

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ships could give. But he saw many noble lords whose ages entitled them to look forward to more sanguine expectations. To them the system he conceived to be singularly important. And should this system be finally adopted, many of their lordships, he made no doubt, would live to curse the day that gave it birth. He saw in its aspect, incurable jealousies and endless discord. These might arise from the imperfection of his intellects; but he could not help lamenting the only consequences which pressed on his mind, as originating in the resolutions under the consideration of their lordships. And should a rupture happen between the two nations, though he easily could foresee which would prevail, the end would prove fatal to both. All these, and a variety of considerations which he should not now specify, ought to operate in what their lordships were now doing. The measure, he doubted not, would, in more instances than one, be found a very decisive one. He implored their lordships to act with caution; to pause before it was too late; to think seriously before they came to such a vote as could not be recalled.

He had a word or two to say to the compensatory resolution. He never had entertained a doubt that Ireland would exert herself to the utmost, in support of our naval establishment in the event of a war. And what would we have more? But here it was affected to bind her, as if a suspicion of her exertion had already taken place. He owned he had not conceived so highly of the revenue which was to be obtained from that country. He thought it connected with many awkward circumstances. And he did very much suspect that we should never see that ship of war riding among our navy which should be the immediate and legitimate effect of this provision. If their lordships would take his advice, it would be, that every thing of the kind should be erased from the settlement. He urged them to trust to the generosity of Ireland. It was the noblest, best, and most permanent hold which could be taken of a brave and liberal people. It was a principle which would long and forcibly operate, when the principles of commerce were feeble, and forgotten. This country would then appear deserving of confidence, and a reciprocal trust would prove more lasting and efficient to all the objects, mutual interests and harmony, than any formal treaty whatever. It was by indulging ideas of this kind, that any thing like a union could ever cement the two countries into one. It had been asked how such a measure could be effected. He wished he had either comprehension or sagacity enough to answer that query. Was an equal representation in the House of Commons the only obstacle which Ireland would have to a union with Great Britain? He trusted few of their lordships were of that opinion. It was obvious, from what had happened, that what some would affect to call a system of reform, had not the concurrence of any very large body of men in either country. Though the minister was professedly for the measure, but a very moderate number in the House of Commons of both countries, had concurred with him on that question. This objection he therefore deemed the least formidable which a measure of such a magnitude and importance, as the union of the two nations could have to encounter. Indeed, he saw nothing extremely impracticable in the proposition. Was it not for the interest of both to draw the line of connexion as close as possible? Was not Ireland sensible of the benefits she derived from the patronage and assistance of Great Britain? Had she not improved to a very extraordinary height of prosperity under her fostering care? Would France or Spain do for her what we had done? Could she expect independence, a free trade, civil liberty, or religious toleration from them? But all these she enjoyed from us. We protected her in the enjoyment of them. She knew it, and was not averse to acknowledge it. Nor would she readily throw herself into the arms of the Roman Catholics. The Protestant interests were powerful, and would soon absorb those of the Popish. These were circumstances which, in his opinion, might be improved into the happiest and completest union. How much, he said, was it to be wished that baneful resolutions were superseded for something of this description. It had been said, that these would restore both countries to the same amity which prevailed between England and Scotland. That, in his opinion, was impossible. In the instance mentioned, the legislature of the inferior, was melted down into that of the superior kingdom. But where two nations were one only on commercial principles, he knew not by what means they could agree or harmonize in any

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other. But where all their dependence was placed in one and the same legislature, every source of jealousy, suspicion, or distrust, was for ever at an end. He looked forward to this great, interesting, and desperate event with anxiety; and should be happy to see commissioners appointed by his Majesty to negociate and adjust this important object, to the satisfaction, and for the infinite good of all parties concerned. It was not probable it would take place in his time; but he hoped the time when it would, was not very far distant. And happen when it might, it would ensure to both countries the most inestimable and permanent advantages. He implored their lordships not to provoke or alarm the Irish. They were a sensible and a thinking people, and would not either be provoked or alarmed, unless these resolutions appeared to them of an insidious nature. Whatever was for the general good of both nations, they would not oppose; but they were too sharp-sighted, and whatever they might do from generosity, they were too wise to be imposed upon. He therefore hoped the present business might yet be suspended. It would be attended with this one good effect, that their lordships might then turn their minds to that union which was the great object of desire to the wise in both countries. And were there no other noble lord in the House who would undertake the business, if these resolutions could now be withdrawn, old as he was, he would himself move for an address to his Majesty, that steps might be taken for accomplishing that union, on which the prosperity, both of England and Ireland, and the whole empire, so much depended.

Viscount *Townshend* said, he did not rise with the vain hopes that any thing he could offer would make much impression on their lordships. His motive was to perform the duty he owed to his country, upon a subject of such infinite importance, and indeed to register to his posterity the part he should take in a question so replete, according to its event, with either the most salutary consequences to this shattered empire, or otherwise, he much feared, conclusive to its future existence. If ever there was a subject which should supersede every party predilection, he conceived it to be the present, which had already, he feared, from its duration and conflict of interests, involved that degree of jealousy and fermentation, which might make it to be wished it had never been agitated; and he was confident, that nothing but temper, moderation, and the most liberal conduct, could produce that issue so salutary and honourable for both kingdoms. A noble lord on a former day, in his opinion, very properly told them this measure was grounded upon two questions, one of policy, the other of commerce; but those two appeared to him now so interwoven, so ingrafted in each other by subsequent events, that one could not pass, nay, exist, without the other. Without entering into the various calculations and detail of commerce, duties, and finance, which, he believed, had, in many points, been exaggerated by our fears and jealousies, it appeared to him, that the only foundation for our establishing a more cordial and conclusive correspondence and union with our sister kingdom, was by a participation of that trade she had been hitherto precluded from by our partial restrictions and prohibitions: long had Ireland seen herself subservient, in every point of view, to the purposes of this country; her imports confined, her exports devoted to our service, her seamen and soldiers to our cause, and even the product of her soil subservient to our commerce and grandeur: she had no opinion in our wars or treaties; the gain was ours, her loss was certain; nay, insomuch that during the last war, when we had nearly exhausted her force as well as our own, by our ill-conducted war with America, and the hereditary enemies of this empire menaced our safety, the defenceless state of Ireland was deemed the security of this. Ireland saw it, felt it, and provided for her own protection. The inhabitants armed at their own expense. This country was alarmed, and concessions were made; the West India trade was opened; the armament continued after the peace; protecting duties followed. We were more alarmed, and granted more,—an independent legislation. They could not call them boons, they were concessions, or rather confessions, of a want of that justice and reciprocality, which must prevail where harmony and co-operation was expected. When he returned from his Majesty's government in that kingdom in 1772, he had the honour to tell their lordships in that House, that if they did not bring that unfortunate contest with America to a short issue, there was another part of the empire which had long laboured under our burthens and wars, which would expect from our jus-

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tice at least as much indulgence, as others might acquire by their revolt. He remembered he was deemed what was called a croaker; nay worse, a croaker of treason; but the views, interests and passions of mankind were generally the same; and when neither senators nor ministers would make them a part of their calculations, but endeavour to quadrate what they wanted by what they wished, they would ever find themselves the dupes of their own calculations. That this had been one source of our misfortunes, and the rapid degradations of this empire, he was confident he spoke not from conjecture, but with the general voice of mankind. Let us beware, then, of similar errors. It had been said, that Ireland had twice expressed its fullest satisfaction at the boons she had received from this country, and yet we would now try experiments with her which might lead to future broils, and the destruction of our own manufactures. Alas! he wished that many of their lordships, instead of sporting in the musical regions of Italy, or the high-polished circles of France, had deigned to have visited the remote provinces of our sister kingdom; there they would have seen a hardy, innocent, oppressed race of men in a rich soil, surrounded by numberless flocks and herds, yet uncloathed, unfed, and mostly unhoused, owing to our restrictions upon their imports and exports, yet contributing their persons and their labour to the support of the empire. Would their lordships wish to continue so large a part of their fellow-subjects in this state of subordination and misery? He trusted they would not, and at an æra when the most absolute monarchs gloried in the most liberal and impartial dispensation of their commerce and justice to the most distant part of their dominions, the proscription was too repugnant to the principles of sound policy, and to the order of nature, to succeed; to attempt, then, to fix it upon a nation equally enlightened, manly, and enterprising with ourselves, would be as impracticable as unjust. The fact was, that our manufacturers had informed Ireland of more than she knew before; that if we did not grant them a fair participation of our commerce, they would have it without it; for, what withholds her now to trade to the ports we have excepted? what prevents her from laying what duties she pleases on our imports, or from receiving foreign manufactures? It was surely wise in us, then, to offer them such a proportion of our trade as might reduce them to consent to the future regulations we proposed. What necessity was there for this measure at this time? the parliament of Ireland said, they had twice expressed the warmest satisfaction and perfect contentment at his Majesty's gracious indulgences to that kingdom; that the volunteers were dwindling, and that the force of government was never stronger there, or had ever been more exerted to the suppression of rebels and tumults than at this period. He must, he declared, ever honour the national spirit of the volunteers of that kingdom; in spite of all discouragements they gave an illustrious example of what a brave and animated people could effect in their own defence. Yet he did not carry his admiration so far as to approve their assembling under the nose of parliament, to prescribe, reform, and dictate to their representatives; and yet he might plead the same quotation in behalf of Ireland as the illustrious father of the present minister did upon another serious occasion:

"Be to her faults a little blind,
"Be to her virtues very kind."

Might he not plead the same for our impassioned neighbours, especially when they recollected, what a quantity of political combustibles was exported into that kingdom from this, and even the most chimerical propositions recommended, however unfitting her peculiar situation. Had the same constitutional regulations been imparted to her at that period, which we enjoyed in this kingdom, those formidable volunteers had perhaps never existed; but it seemed we were as jealous of our constitutional superiority as of our commercial, and consequently had surrendered with reluctance what we might have granted with cordiality. That we might not now revive what we had been so earnest to allay, was his sincere wish.

He would not say that any immediate object called for the settlement proposed at the instant. It was certain that many of the first men of property, abilities, and character, left that force which alarmed us from the moment they extended their views from the defence of their country to the supersedure of their own legislature, and publicly condemned it, and the acknowledgments of the parliament to the crown were most ample and expressive. Yet the severe restrictions on their commerce, he was persuaded, always sat heavy

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on the sense of the nation; the want of capital to undertake any thing, owing to the immense drain of specie by absentees, sufficiently explained the unprofitableness of their soil and climate. To conciliate, therefore, and to attach our sister kingdom by a fair, safe, and effectual participation of our extensive commerce, and thereby to improve the union and strength of both countries, was, he had no doubt, the object of the present minister: that he began it in the most proper mode he would not pretend to say; perhaps it might have been better to have adopted the plan of negociation at a former celebrated and happy period for this country, instead of holding forth propositions to one parliament before the other was consulted; perhaps the very able and correct information he received from the other side might be superior to that he might have been flattered with on this, and hence a field of political argumentation and jealousy might have arisen, which might have obscured the very object they all professed to steer to. The alterations which had been made in the first propositions to Ireland, were certainly very considerable, and plainly proved the defects of the original plan: imperfect and perilous it certainly was, and had it passed, might have produced greater evils than it was calculated to prevent. Much reproach, however, had been laid at the minister's door for the alterations he had made or admitted; but in this, his lordship could not concur either in opinion, nor ought he in candour: he rather thought him commendable in reforming his own errors, or of those who might have misled him, and for adopting better materials from his adversaries. What would not have been urged, and with justice, had he acted otherwise—had he persisted in error, and persevered in measures repugnant to his professed views and the interest of both countries, because they were his own—had he maintained his own infallibility in spite of his conviction, and sacrificed the peace and welfare of both kingdoms to his own personal importance? On the contrary, his lordship would pronounce, for one, his concessions, or his inconsistencies, as they were called, laudable; if they were sacrifices on his part, and were made to the public, it was a tribute due to the public, of which he was the servant, and with whose welfare no minister ought ever to suffer his own consequence to stand in competition, when his opinion did not support him. The minister had altered his taxes, upon better being proposed; and when no better had been suggested, he had maintained them. He had held the same conduct with respect to the commercial treaty with the sister kingdom; having done this, and made it as salutary and palatable as he could, he had done his duty. It remained with their lordships and the public, to weigh dispassionately this great subject; to adopt or reject it; to concur in some solid bond of reciprocity and amity with Ireland, or to remain the objects of mutual jealousy, and the sport of the natural enemies of both. Great terrors had been expressed of the fatal consequences which would attend our manufactures and commerce, if these regulations took place. His lordship declared, that after all the objections he had heard in that vast abyss of evidence laid before both Houses, he did not conceive that any considerable emigration, either of manufacturers or artificers, was likely to take place for many years. Much had, he believed, been mis-stated to prevent any participation whatever; whilst, on the other hand, the advantages of superior capital, superior skill, established credit and correspondence, had not been included in the calculation, which must in a great degree counterpoise the cheapness of the raw materials, and inferior price of labour and provisions: the latter, he also observed, had been exaggerated to impose an idea of immediate desolation; so that the object seemed to have been to prove, that if Ireland obtained any thing, England must lose every thing: how far this doctrine would recommend the propositions to our sister kingdom, he left to every dispassionate mind. Ireland was to resign what many deemed the independence of her legislation; for what? for nothing—because, if she participated in our commerce by the removal of her present restrictions, we were undone. If, then, this treaty broke off, and her independent legislature rejected it, and having no debt, she should give every encouragement to her own manufactures and commerce, then unfettered, would she not have all we denied her, without our concurrence? As we had lost, by an illiberal jealousy, and an adherence to monopoly, what we could not maintain, we should also lose her affection and support; the loss of which, he deemed a calamity to both kingdoms.

He said, he scarcely knew how to avoid

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mentioning, nor how to describe to its full extent, her situation for trade, the advantages of her southern ports, her command of St. George's Channel, the supplies of her sailors and provisions in time of war, her consumption of our manufactures and imports in time of peace; the manhood, intrepidity, and perseverance of her inhabitants; aids which a voluptuous empire always required, and could not exist without. Let them recollect, for a moment, what Rome was when she lost her provinces and hardy allies. There were those, he knew, who counted much upon her proximity and her divisions. She was too near, not to be most dear to us; and their lordships might believe, not so mutable upon national points as ourselves. He spoke not to intimidate, but to inform. He repeated what he had said many years ago, when he returned from Ireland, when we were trifling with our armies in America, that if we did not act decisively, we should not only lose that country, but that there was another impoverished and oppressed by our restrictions, whose attachment had a better claim to our indulgence. After having detained their lordships so long upon the principle of the present propositions, and the necessity of some just and permanent commercial settlement, after the expectations held forth, he would not enter into them *seriatim*. They were too complicated, and had been so cobbled by various hands, that he much feared they would perplex the respective boards and revenue officers to execute them. He owned he should start at a family settlement or lease so drawn; he should, therefore, confine his observations to the fourth and twentieth propositions. As to the fourth, it depended, surely, on this parliament to weigh well whether we would purchase the concurrence of Ireland to such regulations as we should propose, by a fair and generous participation of our commerce, and might bind her in one common interest. With Ireland it would remain to weigh such advantage with a point of precedency. The regulation of commercial duties must originate somewhere. He did not conceive that $10\frac{1}{2}$ per cent. was too high, and it was surely the interest of both kingdoms to observe in future the same proportion. With regard to the twentieth proposition, he owned he wished it had been made more explicit. All the surplus above 650,000*l.* of the hereditary revenue our sister kingdom agreed to consign to the naval force of the empire, to the common cause, and our mutual protection. Upon expectation that such benefits should arise as should produce the means, he could not but think it had been better drawn at the disposition of the Crown for this purpose. The hereditary revenue was always in the disposition of the Crown; and the application of this surplus, whether by materials or by gross sum, should, in his opinion, be under the direction of the Sovereign of both countries as the exigency should require. He was only suggesting his opinion, not attempting to embarrass a system, of the failure of which he owned he dreaded the consequences. Was it possible that our manufacturers could grudge such a participation of commerce as would secure our own, and recover the British empire; or that Ireland should refuse such a participation from a point of precedency, which must originate somewhere? All that he hoped was, that we might give enough to engage the affections and cordiality of our sister kingdom; not attempt a bargain parsimonious and equivocal. He knew the generous and manly sentiments of that country were such as would engage them to make a common cause, and admit of no future distinctions. If he had expressed any degree of preference for Ireland, he begged their lordships would impute it to the veneration he bore it, and the obligation he owed for their partiality to his failings. He was naturally, he hoped, the advocate of the oppressed and meritorious; he knew the Irish to be generous and untemporising friends, and disdained to be behindhand in acts of kindness.

The *Lord Chancellor* said, he should not enter into the detail of all that had been advanced, but confine himself merely to the question, whether it was proper, after the many long and tedious investigations of the subject, to postpone it by a motion for four months. He was convinced that the people of Ireland, if they were not blind to their interests, would accept of the propositions; for, as they were a nation that must depend for protection on some other kingdom, he could wish to ask their lordships, what nation under the canopy of Heaven they could look to where the Protestant interest was so closely connected or likely to be supported, as in this?—The question was put on lord Sackville's Motion, "That the Propositions be taken into consideration

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on that day four months," and the House divided: Non-Contents, 49; Proxies, 35; —84. Contents, 20; Proxies, 10;—30. The report was then received, and the resolutions separately read and agreed to.

Protest against the Irish Commercial Propositions.] The following Protest was entered on the Journals:

"Dissentient,"

"Because we conceive the plan contained in the report, as well from the manner in which it has been introduced and conducted, as from the matter which it contains, to be likely to create and promote jealousy and dissatisfaction through the kingdom." —— *(Signed)* Derby, Wentworth Fitzwilliam, Plymouth, Northington, Scarborough, Keppel."

Debate in the Commons on the Duty upon Hawkers and Pedlars.] June 13. The House having resolved itself into a Committee of Ways and Means,

Mr. *Pitt* rose and introduced the subject of the hawkers and pedlars, by informing the committee, that, in consequence of some of the arguments that had been used in the House against the suppression of that description of persons, the chief of which was, that there were some parts of the kingdom that would be highly inconvenienced by this suppression, as from their distance from towns or cities, they depended on those people for a considerable part of their consumption, the idea of abolishing their licences was entirely abandoned. But still as the shopkeepers had been taxed, it would be a great injustice to them, to suffer their rivals the hawkers and pedlars to remain in their present situation. He should therefore propose a tax upon them, that should also operate in part as a regulation, by diminishing in some degree the numbers of a set of men, who, though in a few instances they might be necessary, were in many others highly detrimental. What he should propose, was, to impose a duty of 4*l.* on the licence of each pedlar who travelled on foot, over and above the existing duties to which pedlars travelling on foot were already liable. And the tax on a pedlar who kept a horse, which was now 8*l.* he would recommend to be altered in the following manner; that, besides the 8*l.* to be paid by the pedlar for his licence, there should be added 8*l.* a piece for every horse he kept, by which means he would pay for one horse double, and for two horses treble, what the foot-man would have to pay. He also thought it would be right to lay restrictions on them, by which they should be prevented from exercising their trade within cities or market towns, they being already almost universally excluded from towns corporate, by the charters of such towns, which would be a means of making considerable amends to the shop-keepers for the tax lately imposed upon them. However, notwithstanding this restriction, they were still to be at liberty to resort to fairs and markets, in like manner as they did at present.—There was another set of persons nearly allied to the hawkers and pedlars, but of a much more objectionable quality—persons carrying goods about from place to place, and selling them by auction, those it was his desire entirely to abolish. He accordingly moved: 1. "That a duty of 4*l.* per ann. be laid upon all hawkers and pedlars not travelling with any horse, ass, or mule, over and above all other duties now payable by law. 2. That every hawker, or pedlar, travelling with a horse, ass, or mule, do pay the duty of 8*l.* per ann. for every horse, ass, or mule, he shall so travel with, over and above all other duties now payable by law."

Mr. *Dempster* said, as he thought a more fatal stab could not be given to the internal commerce and trade of the kingdom, than by abolishing so useful a body of men as the hawkers and pedlars, it was necessary for him to say a few words. The right hon. gentleman had been fair enough to admit, that his proposed increase of duty on the licences of hawkers and pedlars would tend greatly to diminish their number; he was of the same opinion; nay, he verily believed the increase of duty, and the regulations the right hon. gentleman had stated as his intention to propose, would be attended with more pernicious consequences than he was aware of; they would nearly operate to the extinction of hawkers and pedlars entirely. With regard to the idea of restraining hawkers and pedlars from going to market towns, they were already restrained from entering corporate cities, and he believed a greater check to commerce never was invented, than the powers given to corporations.

Mr. *C. Robinson* considered hawkers and pedlars to be a nuisance, and had hoped, that the right hon. gentleman

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would have moved for their being entirely suppressed. It was the only compensation that could, in his opinion, be made to the shopkeepers, for the heavy imposts they had been rendered liable to. Hawkers and pedlars had been regarded with an unfavourable eye at all periods, and not without reason. So long ago as in the reign of king William they had been chosen as a fit object of taxation; but no increase had been made since that period, although the fair trader, who kept a shop and had a dwelling-house, paid a very considerable increase of taxes to the government. At any rate, therefore, to put the hawker and pedlar and the shopkeeper on an equal footing, was a matter which common justice dictated, though he owned he should have been better pleased, had hawkers and pedlars been abolished entirely. With regard to the intended restriction of hawkers and pedlars from entering market towns, he thought it exceedingly proper; but then he hoped the right hon. gentleman would restrain them from opening a room for sale within a limited distance of any market town, because it was a matter of notoriety, that where they were restrained from entering a corporate city or town, they contrived to evade the restriction, by opening a room within a hundred yards of the city or town, from entering of which they were prohibited. In answer to Mr. Dempster's assertion, that corporate cities and towns were productive of the greatest impediments to trade and commerce, and operated as a mischievous restriction and check upon both, Mr. Robinson said, he was directly of the opposite opinion, and had ever been led to think that corporations had been granted as an encouragement to industry, and a protection to trade and commerce. A stronger proof of the superiority of corporate cities and towns, over cities and towns where no corporation existed, could not be desired, than was exemplified in the different police of the cities of London and Westminster; the first being a corporation, its honours were coveted by men of the most elevated situation and character, whence the great respectability of its magistracy. In Westminster, on the contrary, no person would accept the office of a magistrate but such as meant to make a livelihood of it; and to that reason it was to be ascribed, that the direction of such a police as it had, was in the hands of a set of people called trading justices.

Mr. *Greville* spoke against the increased duty and the intended restrictions. The one would ruin one half the hawkers and pedlars in the kingdom, and the other would ruin the remaining half, so that in fact the hawkers and pedlars would be completely suppressed, although no such intention was avowed.

Lord *Surrey* objected to the proposed increase of duty, because he thought it enormously high.

Sir *James Johnstone* said he always wished that every person who breathed the free air of this land of liberty, might also feel its clemency and mercy. He would not therefore, for one, be willing to extort a groan or a tear from any one individual hawker or pedlar in the kingdom.

The resolutions were agreed to.

Debate in the Commons on the London and Westminster Police Bill.] June 23. The *Solicitor General* rose, agreeably to notice, to move for leave to bring in a Bill for the better securing the peace of the cities of London and Westminster, and the borough of Southwark. It would, he observed, be an useless waste of time and words, to dwell upon the necessity of such a measure, and to point out the alarming height to which depredation and outrage had arrived; for one plain and short observation would fully comprise all that could be said upon it, viz. that no person could feel himself unapprehensive of danger to his person or property, if he walked the street after it was dark; nor could any man promise himself security, even in his bed. Robbery and villany were become so daring, that they were no longer accompanied by cunning and caution; but were perpetrated openly, and with undisguised violence, in the most populous places, and frequently before it was near dark. He drew the attention of the House to the crowds that every two or three months fell a sacrifice to the justice of their country, with whose weight, as he said, the gallows groaned: and yet the example was found ineffectual, for the evil was increasing. He gave an account of the progress of the science of depredation, from picking of pockets up to murder, through the various gradations of shoplifting, house-breaking, and highway robbery, in every stage of which there was a sort of emulation and ambition, that operated as strongly, perhaps, as the prospect of gain. Young children were initiated by the elder rogues, by teaching them the

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various means of effecting their robberies, as putting them into windows, and other practical instructions; and at length these wretches terminated their existence under the hands of the hangman, at 17 or 18, though old and accomplished in the mysteries of their profession; for it was a certain truth, that of the whole number hanged in the metropolis, eighteen out of every twenty were under the age of 21. Something, it was evident, must be done more than had yet been applied, to check this nuisance, so dangerous to individuals, and so disgraceful to the public; and a conviction, that the present laws, and the mode of executing them now in use, were inadequate to the end, was his motive for troubling the House with the tendency of a Bill, which he thought it highly advisable to pass for one year at least, by way of experiment.

He by no means pretended to say, that his Bill was such as he could venture to pronounce to be perfect; but he flattered himself the object of it would interest every gentleman in the strongest degree, to give his utmost assistance towards completing it in the committee. It would be found, that the Bill, while it went a great way towards giving effect and operation to the laws already in being, at the same time made very few intrenchments upon, or alterations in them. He had no intention of introducing any new punishment, or constituting any new crime, except by extending and enforcing in some degree the vagrant laws; being convinced that extreme severity, instead of operating as a prevention to crimes, rather tended to inflame and promote them, by adding desperation to villany. Persuaded as he was, that severity would be ineffectual, he was also equally convinced that there might be a system adopted that should have every effect that could be wished for; and this was, to render detection certain, and punishment with a moderate degree of severity, unavoidable. This was the object of his system; and the method by which it was to be accomplished was to alter to a very great extent the whole plan of the administration of criminal justice, within the district to which the Bill was to be confined. There was nothing more certain, he said, than this—that public business of any sort, would never be adequately and effectually performed, unless those to whom the performance was committed, were paid for their trouble, except in the case of persons eminent in rank and fortune, whose regard for the public, together with the absence of any other pressing avocations, might induce them to do business gratuitously. Nay, if people could be found to act for nothing, it was in general impolitic to employ them, because such persons could not so easily be called to account, and punishment for bad behaviour in office, as those who were paid for their service. Justices of the peace at present were so situated, that it was very little to be expected that they should fill their offices with strict diligence and propriety. Even in the city of London, the magistrate was so surrounded with the official business of his ward and parish, independent of his capacity as justice of the peace, that considering how many of them had a private business of their own to attend to, very little leisure was left them to dedicate to the business of police. Besides the inconvenience of employing persons without a salary, and encumbered with other employments; there was another which resulted from it, worse than inattention and neglect, namely, corruption. This corruption naturally arose from the situation of persons engaged in a troublesome employment, who would inevitably contrive some means of paying themselves. The method of doing this, was by dividing those fees which the law allows the justice's clerk, for no fees were allowed to the justice himself. The consequences of this method of paying the officers of justice were dangerous and detrimental in the extreme; because, instead of making it their interest to do their duty effectually and prevent the perpetration of crimes, it held out a temptation to them to promote the frequency and continuance of all manner of villany, and there was no doubt but the clerks of justices (for he begged not to be understood as meaning to extend the censure to the justices themselves) were in many instances more industrious in creating and discovering new business for their office, than in transacting it with fidelity and care when brought before them. To prevent all these bad effects from the present system, he proposed that a total reformation should be made in the regulation of the police. The manner in which he proposed this reform should be effected, was to divide the metropolis and its neighbourhood (in which he intended to include as well the adjoining parishes, as the cities of London and Westminster, and borough of Southwark) into nine districts, or divisions, in each of which

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should be appointed a certain regular office, where one justice should always sit, and have two at his call, in case any business should occur that required the presence of three justices. Over these offices should be appointed three commissioners (also justices of the peace), who should act as general comptrollers and superintendants of the whole establishment, and they should have the command of all constables, beadles, watchmen, and other subordinate peace-officers; in fact, in the hands of those commissioners should be concentrated the whole power of the police. All warrants issuing from any of those commissioners, to be served in the city of London, he observed, must necessarily be backed by a magistrate of the city, before it could be executed. He had, he said, in his researches for information, conversed with every man whose situation had led him to a knowledge of the subject, and among the rest, with a very respectable judge (baron Eyre), who was once Recorder of London; from whom he had learnt that a patrole was established in a certain part of the town, where robberies and other enormities had been much practised, and that the consequence was, that for two sessions, he could not pretend to say, that not any, but very few capital convictions took place at the Old Bailey. He should therefore propose a similar plan, but to extend generally to every part of the town, and its environs; for if it were to be confined to the heart of the city, it would drive the robbers to the out-skirts, and if it were only to be applied in the out-skirts, it would bring them all to the centre. And he had been informed, that in consequence of the vigorous exertions of this patrole, a mode of robbing was adopted by those who were confined by it to the interior parts, vulgarly called the 'rush;' which signified a number of persons assembling at a door, and as soon as it should be opened, rushing in, binding the family and servants, and then plundering the house. This, he said, had been very frequently practised of late, for which he appealed to the experience of the Speaker (whose house was lately robbed), and also said, that within the last eight and forty hours a similar outrage had been committed. He should therefore propose a number of patroles divided into parties of twenty-five to each division, twelve of whom, with a leader, were to be on duty every night. He also intended to offer some new regulations concerning the watch, an establishment in which there were many causes of complaint.

There was another amendment to the police, to which he was extremely partial; that was, the expediting the trial, and punishment of offenders: this was only to be done by rendering the adjournments of the sessions of Oyer and Terminer, and of Gaol-delivery, shorter than six weeks, which was at present the period generally intervening. He did not mean to add any thing to the laborious duty that already attended the situation of the judges; but he would recommend that barristers of ten years standing, be appointed, and always joined in the commission, who should sit every week, and try such delinquents as were then in confinement. There being but one commission of Oyer and Terminer and of Gaol-delivery issued in the year, and that at present protracted by adjournments of six weeks, all that would be necessary would be to enact, that no adjournment should take place for a longer time than one week. The only objection he had ever heard made against more frequent sittings of the court was, that it would greatly increase the expenses of the sheriffs; but this he thought was easily obviated, for that it would be found, in fact, to diminish instead of enhancing their expenses. The expense of the sheriffs proceeded, he observed, from their own hospitality, and their respect for the presence of the judges, for whose entertainment they always provided in a most handsome and suitable manner; but this need not be the case at the weekly adjournments And as by these weekly adjournments the sitting on the six weeks rotation would be so shortened as to last but one, or at most two days, whereas at present they frequently held a week, people who were acquainted with the scrupulous diffidence of the profession of the law, would be very ready to admit, that there was no great danger of such of them as should be appointed to this duty, venturing to decide on intricate cases of murder, treason, or forgery, where niceties were more apt to occur than on others; for on seeing from the examinations, which judges generally peruse before trial, that difficulties were likely to arise, they would be happy to postpone such cases until the sitting of the judges.

There was another part of the subject, that he felt himself extremely anxious about, but was at a loss what to do in, and wished for the assistance of the House—

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this was the disposal of friendless and deserted children, who were at present picked up at the age of eight years, by those miscreants and pests of society, and regularly broke in, and educated to the trade of villany: he should wish them to be taken up by the commissioners and sent to the Marine Society; but as the governors of that institution might possibly object, on grounds of temporary inconvenience, to take them in, he feared it would be necessary to find some other establishment for them. Another difficulty was, how to afford a more effectuul means of searching and stopping persons suspected of carrying stolen goods; for, as the law now stood, it was a delicate matter, and he hardly knew how he could at present with propriety stop a ragged fellow with a bag on his back, even though he heard the sound of silver tankards tinkling within. But all defects of that nature, he flattered himself, would be effectually cured in the committee, from whence he was certain the House would receive it as a complete, salutary, and beneficial Bill for the public.

The whole expense of the new establishment would amount to about 20,000*l.* per annum, which was double what it already cost the public. He had included in his plan, a proposal for this sum. First, he would have all the present legal fees to be still paid, but accounted for by the justice upon oath. Next, he would recommend a different system to be adopted with regard to parliamentary rewards; the present being, as far as related to the capital, of a most dreadful tendency, though perhaps in remote places it might be politic. He said, the magistrates of the only office in the metropolis, that bore any resemblance to an office of police, had strongly recommended it to him, to abandon the present system, as it rather tended to promote perjury and perpetrate murder, under pretence, and under colour of law, than to prevent crimes, and punish the guilty. He illustrated his meaning, by stating that it was notorious, the lives of innocent men were often sworn away and attempted to be sworn away, for the sake of the reward; and he gave a particular instance of two men, who but ten days ago were convicted of that enormous crime; he also mentioned the case of a boy who had been prevailed upon to commit a robbery, merely to afford an opportunity of convicting him, in order to become entitled to the parliamentary reward. He would, to prevent such shocking abuses, have it discretionary with the commissioners, or to describe them more correctly, the superintending justices, when and in what cases to bestow the reward; by this means a reduction would be made of about 5,000*l.* annually, which might be applied to the support of the new establishment. A toll might also be laid on the turnpikes adjacent to the town on Saturdays in like manner as the Sundays toll for lighting and cleansing the streets; for surely if it were fit that the people should be at such an expense in providing for the removal of dirt, and other such nuisances, they ought not to be averse from a similar expense, to get rid of the greater nuisance of perpetual alarm, danger, and loss. This he was surprised to learn, would not produce a greater sum than 4,000*l.* This he would not enforce, but only suggested it, in hopes that any gentleman who disapproved of it, would discover some other more eligible. He concluded by avowing that, if the plan had any merit, which in his opinion it certainly had, he was not himself entitled to the credit of it, having received it from Mr. Reeves, a gentleman of the bar, to whose minute attention to the subject, and to whose general professional ability he paid many very handsome compliments.

He ended with moving, "That leave be given to bring in a Bill for the further prevention of crimes, and for the more speedy detection and punishment of offenders against the peace, in the cities of London and Westminster, the borough of Southwark, and certain parts adjacent to them."

Mr. *Eden* said, he conceived, as the Bill contained such a variety of important and complicated considerations, and with them a number of provisions perfectly new to that House, that the learned gentleman meant, when the Bill was before the House, to move that it be printed, in order that gentlemen might have an opportunity of examining it minutely in all its parts, and thence enabling themselves to form a proper judgment upon the subject. [The Solicitor General said, across the house, 'Most certainly.'] Mr. Eden then went on to state his extreme regret that a bill of such magnitude should have happened to have been moved, when there were less than forty members in the House, and at so late a period of the session. The necessity for some essential regulations in the police of Westminster, was what every gentleman must feel, and consequently it could not be other than the general wish, that an effectual reform should take place;

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but under their sense of the necessity for alteration, it behoved them to proceed with great caution, and not rashly and hastily to adopt a new system merely because it was such. At the same time that he said this, he declared he was ready to admit that as far as he could form an opinion upon the cursory opening of a plan so complicated in its nature, and comprehending such a vast variety of circumstances, there appeared to him to be a probability of much good resulting from it. He must, however, particularly lament that it was brought forward at a period when in all probability it would be impossible for it to receive the assistance of any one of the judges, at the time that it got into the other House. He could have wished, he said, that a bill of the sort in question had originated with the other House. Much as he felt the necessity of a reform, he did not like the idea of coming upon the public at that advanced part of the session with a new burthen, and opening a fresh budget, in order to tax them to the amount of 20,000*l.* He took occasion to say, that it was extremely handsome and liberal in the learned gentleman to give credit to Mr. Reeves for the whole merit of the Bill; a great part of that merit however was, he was satisfied, due to the learned gentleman himself.

The *Solicitor General* said, the Bill had been in numerous hands, and a great variety of opinions had been given upon it, in conformity to which, it had been much altered.

Lord *Beauchamp* rose to concur with his right hon. friend in regretting that a bill of such infinite importance, a bill that had for its object a total subversion of the established system of the administration of justice in the metropolis, should be brought forward at so late a period, and when it was almost impossible for gentlemen to pay it that degree of attention it so well deserved. His lordship said, the same defective police, and all its consequential evils had existed in full force when the House met; why, therefore, a matter that called at that time for a remedy, full as loudly as it did at present, had been suffered to remain so long unnoticed, and why that period, when there was only a thin attendance to be expected, was chosen for bringing the subject forward, he was wholly at a loss to imagine. For his part, he did not approve of imposing a new burthen upon the public to the amount of 20,000*l.* per annum, without having it duly considered by the House. It was, he said, as much a tax, as any other tax of the year; for whether it was collected at a turnpike-gate, or any where else, or in any other manner, it fell equally upon the public, and was an addition to their burthens. With regard to the Bill it was impossible for him to give any opinion on the sudden, upon the general effect of so extensive a plan of police as that proposed by it. He conceived, however, the three superintending commissioners were imitations of the three inspectors of the police of Paris, and possibly that might be proper; but with regard to the idea of paying the justices, who were to act in the nine divisions or districts, into which the learned gentleman had said he meant to divide the cities of London and Westminster, and the borough of Southwark, he thought that when the intended regulation was made, if proper means were resorted to, men of higher rank than most of the present justices, who made a trade as it were of their profession, might be found to undertake the office of magistracy. At present, he was aware, there was great difficulty in prevailing on gentlemen of superior rank and situation, to consent to be put into the commission, and to act; and the reason was, men of that description did not much like to mix, and sit down with others who were their inferiors. There were, as the learned gentleman must be aware, certain parishes in Westminster, where all the offices were in the hands of gentlemen of fortune and undoubted reputation; and the reason was, great care was taken that none but persons of that description should be admitted into them. His lordship thought that with due attention, the same thing might be brought about in respect to the magistracy. At present, to his knowledge there were magistrates in the country, of undoubted character, who went through a vast deal of business, and with great propriety and integrity. He mentioned Birmingham in particular, as a town where there was a great deal for the justice to do, and where it was nevertheless extremely well done: if the proposed plan of paying the justices of the nine districts, into which it was meant by the Bill to divide the metropolis and its environs, took place, the time would come, when the magistrates of Manchester, of Bristol, and Birmingham, and all large and populous places, where there was a good deal for the justices to do, would expect to be paid. He wished,

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therefore, an experiment to be made without that idea being put in practice. What struck him upon the moment as extraordinary, was that part of the Bill which gave barristers a power to sit in a judicial capacity at the Old Bailey. Such a power was unknown to the constitution; and if the intended continuance of the session of Oyer and Terminer and Gaol-delivery could be carried on without such an innovation, his lordship thought it would be extremely desirable. He dwelt upon the sacredness of the character of a judge, and mentioned that there was already a description of men, who were entrusted with the powers of life and death, although their continuance in office was not a matter of independence like other judges, but a matter entirely at the will of the Crown. He meant the Welsh judges; in which sphere of professional action, both the learned gentleman who had opened the business then before the House, and his learned friend, moved at present, much to their own honour and the satisfaction of the public. But he thought it unwise to create the sort of occasional judges proposed by the learned gentleman. He threw out a suggestion that as no more than one judge of each court in Westminster-hall tried at any given hour at the Old Bailey, that one judge might be sufficient to sit there in that interval of the continued session, between each six weeks. This struck him as possible; but he submitted it as a crude idea, and wished to have an answer upon it from the learned gentleman. Perhaps also, it might be thought expedient to add another judge to each of the courts of Westminster, by which means there would be a sufficient number at all times to spare one to attend at the Old Bailey. At any rate, his lordship wished to get rid of the proposed plan of allowing barristers of ten years standing to sit at the Old Bailey, and act there as judges. His lordship concluded with declaring, that he had barely thrown out such loose ideas as occurred to him at the moment; and that he could not but observe, that the learned gentleman had told them nothing new, nothing but what they were perfectly acquainted with before. If the plan should produce a good effect, he should be extremely glad; but they had been witnesses to a great variety of endeavours to prevent the perpetration of crimes, and yet it was undeniable, that crimes had continued to increase, and were at this hour increasing.

The *Solicitor General* observed, that with regard to the noble lord's declaring that he had said nothing new, it was undoubtedly true that he had not; nor indeed was it posssble for him or any other person to say any thing respecting the police of Westminster, that the noble lord, who had been many years an inhabitant of that city, must not be perfectly well acquainted with. But surely, in opening a bill immediately relative to the police of Westminster, there was nothing either absurd or improper in applying an argument grounded upon facts of notoriety. In answer to the noble lord's declaration, that he presumed the three superintending commissioners were to be like the three inspectors of police of Paris, Mr. Solicitor said, he knew not that there were three inspectors of the police in Paris; he had heard of a lieutenant-general of police, and knew him to be a very powerful man; but if there were three inspectors at Paris, or any where else, like his proposed three commissioners, there could be no objection to them, as justices of the peace, and none other were to hold the office of commissioners. As to the noble lord's idea of not paying the justices who were to act under the Bill, as an inhabitant of St. Martin's in the Fields, he was ready to confess himself under infinite obligations to sir Robert Taylor, who did act as a magistrate, and that very assiduously and ably, upon the most disinterested principles, and he had no manner of doubt but twelve sir Robert Taylors would do all the business that was necessary; but where were twelve such magistrates to be found? In answer to lord Beauchamp's objections to barristers sitting as judges, he said, at present his Majesty had the power of putting any person of his profession into the commissions of Oyer and Terminer and Gaol-delivery, under the rank of a serjeant; and it was now customary for the Recorder of London and his deputy to sit as judges, and try in cases of life and death. He saw, therefore, no reasonable objection to the extending that power to barristers of at least ten years standing; but when he mentioned men of that description, it was always under the idea that no persons would be appointed to the office but gentlemen of high reputation in their profession, and acknowledged ability. With regard to the idea of increasing the number of the judges of the courts of Westminster-hall, that was a consideration of great delicacy. Four had ever been

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deemed a fit number for each court; and, though at different times a variety of arguments upon the question, whether five would not be better than four, had been stated, yet as four was the number that had the sanction of ages, and had from time immemorial been thought and found equal to the due administration of justice, it would not, he believed, be a very easy matter to obtain any increase of that number.

Sir *James Johnstone* declared, he highly approved of the proposed Bill, as it was a bill to prevent crimes and not to punish them. He talked of the natural humanity of this country, and of its salutary effects. He said, he had seen ten or a dozen bodies of persons who had been murdered in the night, exposed on a morning at the Chatelet of Paris; a sight with which humanity was never shocked in England.

The *Attorney General* observed, with regard to the noble lord's idea, that the proposed Bill was calculated to produce a total subversion of the established system of the administration of justice in the metropolis; he begged leave to deny that it was likely to do any such thing: it created no new crime, it inflicted no new severities; instead of subverting the established system, it only tended to give to it a more vigorous execution, and to strengthen and support it. That it would do so, he had no manner of doubt; whether effectually or completely, remained to be tried. With regard to what had been said, that the Bill should have come from the other House, he wished all such Bills were to be sent down from the Lords. He meant all that regarded the due administration of justice; but they had not so done for some time past; and indeed, if that particular Bill, which gentlemen contended was a Tax Bill, had been sent down, perhaps the House would not have very well relished it. They would not, he believed, have been much inclined to recognize and register a Bill, sent from the other House, that was to put the public to some expense, and to answer which expense, that House was to find the means. Mr. Attorney said, in answer to the argument, that the Bill ought to have been brought in sooner; that it had been shewn to almost the whole profession, as well practising crown lawyers, as those who moved in a higher sphere, and acted judicially; that it had in consequence undergone much lopping; that a great deal had been taken out of it; that what remained, was generally approved, and was in fact no alteration of the established system of the administration of justice. With regard to the objection against barristers sitting as judges, they did so at this hour, not only Welch judges, but others, his Majesty having it in his power to put them into commissions of Oyer and Terminer and Gaol-delivery.

Leave was given to bring in the Bill.

June 27. The Solicitor General presented the Bill, which was read a first time.

June 28. Notice being taken that the Bill was not properly prepared, leave was given to withdraw it, and to present a proper one instead thereof.

June 29. The Sheriffs of London presented at the bar, a Petition from the Lord Mayor and Aldermen, in Court of Aldermen assembled, against the said Bill, setting forth, "That the petitioners are greatly, and, as they conceive, most justly alarmed, at a Bill depending in parliament, for the further prevention of crimes, and for the more speedy detection and punishment of offenders against the peace, in the cities of London and Westminster, the borough of Southwark, and certain parts adjacent to them; and they think it a duty incumbent upon them, as magistrates who are materially concerned in the administration of justice in so considerable a part of the district proposed to be the object of that Bill, to take the first moment that offers for expressing their apprehensions of the mischievous and dangerous effects of a law, which, under colour of correcting abuses, overturns the forms established by the wisdom of our ancestors for the regular administration of justice, and goes to the entire subversion of the chartered rights of the greatest city in the world, and the destruction of the constitutional liberties of above a million of his Majesty's subjects; and that the petitioners forbear to state any of the numerous and weighty objections which occur to them to the particular clauses and provisions of the Bill, because the principle of the Bill, establishing, in defiance of chartered rights, a system of police altogether new and arbitrary in the extreme, creating, without necessity, new officers, invested with extraordinary and dangerous powers, enforced by heavy penalties, and expressly exempted from those

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checks, and that responsibility, which the wisdom of the law has hitherto thought necessary to accompany every extraordinary power, appears to them so mischievous, that no amendment or modification can or ought to reconcile the nation to such a measure: and therefore most earnestly praying the House, no longer to entertain, or give countenance thereto, but by an immediate rejection of the Bill, to quiet the minds of his Majesty's subjects, and relieve them from the dread of being reduced under the scourge of such a system."

Mr. Alderman *Newnham* moved, that the said petition do lie on the table.

Mr. Alderman *Hammet* desired to know in what stage the Bill was, as he understood something had been done respecting it the preceding day.

Mr. *Mainwaring* also wished to know, what had been done respecting the Bill; and whether the learned gentleman meant to persist in carrying it through the present session.

The *Speaker* stated, that an informality had been discovered in the drawing of the Bill; and that the House had consented that it should be for that reason withdrawn, and had given leave for a new Bill to be introduced.

Mr. *Mainwaring*, observing the Solicitor General enter the House, rose again to put the question to him, when he meant to bring in his new Bill, and whether he was determined to persist in pressing it through the House at that very advanced period of the session?

The *Solicitor General* said, there were informalities in the Bill that were not discovered by him when he had first introduced it; particularly there were clauses of a pecuniary nature, which it would be necessary to put into a bill by themselves. He should therefore divide his Bill into two; but previous to his introducing them, he would certainly give due notice to the House.

Mr. Alderman *Hammet* said, he wished to get rid of the Bill altogether. It had created great alarm and uneasiness in the city of London; so much so, that if a torch had been applied to the buildings there, it could not have created greater alarm. The Bill was an infringement of the chartered rights of the Court of Aldermen, who were most of them friendly to the present administration. As a friend to it himself, he declared he was sorry the Bill had been brought in, and he was persuaded the best way to quiet the people would be to abandon the subject. He therefore moved, that the order for bringing in the Bill be discharged.

Mr. Alderman *Townshend* reprobated the Bill that had been brought in as an infringement of the city's charter, and as introducing a system of police entirely new and extremely alarming; but he said, as it was not to be disputed, that they were got into a lamentable state of police, and as thieves and rogues of all denominations had increased to an almost incredible number, he would not second a motion for discharging an order to bring in a bill for the prevention of robberies and burglaries. He thought the title of such a bill was sufficient to induce gentlemen to wait till the bill was before the House, in order to see when it came, whether it was a bill fit to be received or not. He was ready at any time to enter upon a discussion of the causes that had encouraged thieves of every denomination, to grow up to such an extravagant number, and to carry on their depredations with a degree of enormity hitherto unknown. To the number of trading justices, he imputed a great part of this evil. Every body knew there was a regular office in Bow-street, under the countenance of, and paid by Government; but then there were a great many persons who had got into the commission, that set up offices of their own, for the mere sake of trade, and of getting money by the business of an office; these separate trading offices, instead of doing good, did harm, their chief object being to counteract the proceedings of the office in Bow-street. There were, he said, many good magistrates undoubtedly in the commission for Westminster; but there were many of another description, who ought not to have been put in it; and he would go farther, there were many in it that ought to have been put out of it; and those he could, if necessary, name and prove to be very improper men to act as justices. But before an entire new system of police was adopted, the laws in being ought to be enforced; if they were, he would take upon him to assert, that there would not be half the robberies that at present prevailed. So strangely were men's feelings directed, that thieves and robbers alone appeared to be fit objects of compassion in modern times. He heard no one stand up in that House, the advocate of the poor men who had been robbed

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and beaten; though many arguments were used to urge what was termed lenity to the robbers. He said, he had been ashamed that a committee of that House should have sat to enquire whether a part of Africa was a fit place for those who had been convicted of the most daring violation of the laws of their country to be sent to—although there was no scruple in sending brave and deserving soldiers to garrison it. Thus the honest, the worthy, and the meritorious part of the community were neglected, and the vicious and criminal cherished. He complained of the want of a place to transport felon to, and of the false lenity shewn to convicts for the most atrocious crimes. He said, it was to no purpose to multiply penal laws if they were not put in force. That the judges had now got it into their heads that they ought not to execute for horse-stealing; hence, associations of robbers were formed in all parts of the kingdom, who stole and dealt in stolen horses; and thus, from a strange idea of a lenity, that appeared to him to be highly improper, the country was over-run with horse-stealers. He talked of the bad consequences of the judges pardoning all convicts before they left the town at country assizes; and said, it could not be expected that robberies and burglaries should decrease, when the sentence of the law was not executed. He stated the case of a Mr. Best, a man of honour and character, who had been attacked, and fired at by highwaymen, when in a post-chaise with another gentleman, and he and his friend got out and pelted the highwaymen with stones, and took them, and yet though the men were capitally convicted, they were respited, and their sentence changed to six months confinement in Maidstone Bridewell, which time they spent in daily execrations, swearing they would do for Mr. Best as soon as they came out; and at this very time, Mr. Best was walking about with pistols in his pockets, to fight a duel with a couple of villains, who ought in justice to have been hanged, for firing at, and attempting to rob him. That was one instance of the false lenity shewn to principal robbers; he would add to it an instance of lenity equally false, that had been shewn to a receiver. One Barew, whose whole family were known to be bad men, sent some thieves down to Dover to rob a house and steal some plate. They accomplished the design, and buried the plate, but were taken shortly afterwards and convicted. While they were in gaol, Barew went down, and was apprehended in the very act of digging up the plate. By being indicted as an accessary after the fact, he was convicted only as a receiver, and sentenced to transportation for 14 years; whereas, had he been indicted as an accessary before the fact, as he ought to have been, he must have been capitally convicted. Instead, however, of being transported for 14 years, Barew obtained a free pardon; and that pardon, he believed, was procured by very improper means. Thus it was that vice triumphed. If any man, he said, dreaded personal danger from the Speaker of the House of Commons, it was notorious he could take him up, and oblige him to enter into recognizances to keep the peace; for a breach of the peace was a case that the privilege of parliament did not extend to. Why, then, ought persons known to get their living by the perpetration of crimes to go at large? And yet, he knew himself above 600 persons in that city who lived by nothing else, and whom he could prove to be thieves. In the administration of the marquis of Lansdowne, a proclamation had been issued to enforce a vigorous execution of the criminal laws, and to take up all suspected persons, and make them give an account of themselves, and enter into sureties for their good behaviour. Under the authority of that proclamation a vast number of persons of suspicious character, and who were known to get their living by thieving and bad practices, were taken up and confined; but during the next administration they were all let out upon the public again, notwithstanding they had been apprehended under the authority of a proclamation with the King's name to it. The alderman reprobated this conduct as extremely wrong, declaring, that the very demanding sureties of such men would lock them up in gaol; and as they were known to be dangerous persons, why ought they to go at large? He insisted also upon the necessity of keeping the gaols clear, by providing a place to transport convicts to, and of executing such as were capitally convicted shortly after their conviction. Upon the whole, if the laws in being were duly put in practice, and the Vagrant Act properly enforced, a great part of the present evils would be remedied, and we should no longer exhibit a police that disgraced the country in the eyes of all Europe, while it put every man's life and property in daily danger,

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and almost subjected both to hourly hazard. He declared that he did not admire that that House, or the Legislature, should interfere unnecessarily with what belonged to the Executive Government, which the administration of justice, and the prevention of crimes undoubtedly did. Let the Executive act with vigour, and he had little doubt of an effectual check being immediately put to the progress of villany in all the various shapes it now assumed, and stalked abroad in.

Mr. *Mainwaring* particularly directed himself to the Solicitor General, and said he would not by any means press him to give an answer that might be disagreeable to him; but he would state the reason that made him so anxious to know when he should bring in a new bill, and whether he meant to persist in pushing it through that session; it was this—a large meeting of the magistrates for Middlesex was to be held the next day, when the business of the Police Bill would come before them, and it would depend altogether on the learned gentleman's declaration, when he should bring in his new bill, and whether he meant to urge it through all its stages that session, what steps the magistrates would take respecting it.

Lord *Beauchamp* reminded the House of his having expressed his doubts of the propriety of proceeding with the Bill, when it had been first opened in a House of less than forty members, and at a time when neither the Chancellor of the Exchequer, nor many other persons in office were present. He pointed out the great extent of the object aimed at by the Bill, which was no less than the introduction of a new and comprehensive system of police for the cities of London and Westminster, and the borough of Southwark; a proposition that was of the utmost magnitude, and which, as it went in direct subversion of the charter of the city of London, must sound highly improper in the ears of the city magistrates, who must think that House acted in a very unbecoming manner, if, without any previous examination into the necessity of the case, or any inquiry before a committee, or any one preliminary step whatever, they proceeded to pass into a law, a bill of that extraordinary nature, at a period of the session when they ought to have no other business before them, but to put the concluding hand to bills upon subjects already discussed and decided upon. The worthy alderman had thrown out an argument which implicated a charge against the Judges, as if they were to blame for the great prevalence of crimes. He was persuaded in his own mind, that the fact was by no means so; nor did he think it very decent, or very becoming to speak of such high and respectable characters as the Judges in a manner at all tending to question the propriety of their conduct. He contended, that all the objections stated by the worthy alderman in that respect, were ill founded. Having done this, his lordship took notice of what alderman Townshend had said, of a committee of that House having sat to deliberate whether it would be fit to send convicts sentenced to transportation to a particular part of Africa. He declared, the place in question was not fit for any persons whatever to be sent to. If the convicts had been sent there, the consequence would have been, they would be all dead in a very few weeks after they were landed; or they would turn pirates, and it would be impossible for any commerce to be carried on near the place. It might possibly be asked, to what end had the committee sat to pronounce one place improper to transport convicts to, unless they suggested some other that was proper? The fact was, he, as chairman of the committee, should have stated some place; but a particular circumstance occurred during the sitting of the committee, that rendered it improper for him to mention it at the time.

Mr. *Pitt* observed, how difficult it must be for his learned friend to give a positive answer to the question put to him, relative to his intention in regard to the Bill that he proposed to bring in, and to the degree of affinity it was to bear to that already withdrawn. His learned friend had found it necessary to withdraw that Bill, not from any change of sentiment with regard to its propriety, but merely because, having accidentally included in it, a provison for raising money to defray the expense of the new plan, he had found on reflection, that according to the established practice of the House, it could not be suffered to pass, as it had not originated in a committee of supply. The former Bill, therefore, being withdrawn, it appeared as if nothing remained, except to bring in another directed to the same object, but less exceptionable in point of form, which of course it had been the intention of his learned friend to do: but the subject having undergone so much discussion; a petition

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having been presented from the aldermen of London, on behalf of themselves and fellow-citizens, complaining of the plan proposed as subversive of the chartered rights of the city, and notice having been also given of an intended meeting of the magistrates of Middlesex, at which it was probable the business would undergo consideration; it was absolutely necessary, that his learned friend should have time allowed him to make up his mind on the subject. He professed himself not to be perfectly master of the subject, and therefore incapable of forming a competent judgment how far the provisions now proposed to be applied, might be expected to effect the purpose. But still, the necessity of something being done to prevent the enormous grievance that every body complained of, had been long an object in his mind; but he was happy in feeling that the business was in so much abler hands.

Mr. Alderman *Townshend* rose again, and went more particularly into the subject of the execution of the criminal law. He said he spoke in public upon that topic, because he had previously said a great deal in private; being satisfied that if the existing laws were duly enforced, much good would result from it to the community. With regard to the Judges, he had no hesitation to say, that their reprieving so many atrocious criminals before they left the town at country assizes, was attended with very pernicious consequences. He mentioned, that at the last Lincoln assizes, a kind of jubilee had been held among the prisoners, because they heard that a good-natured judge was coming down to try them. The event, however, proved that they were mistaken, for nine of them were executed. He said, while the consequences of conviction were left in uncertainty, it was impossible but that the perpetration of offences must increase. If every man who went a hunting was sure to break a limb once in every three times, no man would go a hunting. So it was with thieves; their calculation was, that for every offender convicted, one out of thirty-three only was executed. While, therefore, there was such a chance in their favour, the trade, it was natural to expect, would thrive. But he wished the House not to separate with the idea that he was a bloody-minded man, because he urged a rigorous execution of the laws: he insisted upon it, that it was the extreme of cruelty, and not mercy, to pardon offenders convicted of having violated the laws. It was cruelty in a double sense,—it weakened the protection of the innocent, and it added to the numbers of the guilty; for while atrocious offenders were suffered to escape, although convicted and sentenced to capital punishment, an encouragement was held out to others to commit similar crimes. It was, therefore, the judge who reprieved enormous offenders, who committed cruelty, and not he who, by dooming such convicts to the fate the justice of the country and its laws had called down upon them, held out an example of terror to others to avoid meriting a similar punishment. The alderman re-enforced his reasoning in relation to the marquis of Lansdowne's proclamation, and the conduct of the subsequent administration; and added other pertinent arguments to enforce a due clearance of the gaols, and especially a speedy execution of those who were capitally convicted and sentenced to the gallows. He stated, that till within the past two years, the capital convicts of two or more sessions had been suffered to remain in Newgate unreported. He said, by such shameful procrastination, compassion for the convict took place of a recollection of his crimes; thus the offence and enormity were forgotten, and the punishment alone remembered. The alderman said, there were above 250 felons in Newgate at this time; and stated, in strong terms, the necessity of clearing the gaols, by putting the sentence of the law in execution.

Sir *Joseph Mawbey* spoke also against the Bill, and reprobated those magistrates who made justice a trade, and frequently let felons escape, unless they could make money by convicting them.

Mr. *Gascoyne* bid the House recollect what the nature of the proceeding they were called upon to adopt was, and to ask themselves what effect it would have without doors. It was admitted on all hands, that robberies of every kind were increased to an enormous degree, and that the police of the metropolis was extremely defective; and yet a motion had been made, to persuade the House to discharge its own order for the bringing in a Bill, the object of which was for the better prevention of robberies and burglaries in future. Were gentlemen prepared to take so extraordinary a step, and before they saw the Bill, before they knew whether it was a good or a bad bill? were they will-

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ing to say they would not receive a bill, the end of which was to prevent robberies in future? He flattered himself, the good sense of the House would prevent it from doing so rash and inconsiderate a thing. Let gentlemen recollect, that the amendment of the police must have a beginning, and surely it could not be begun too soon.

Mr. Alderman *Newnham* said, he had many objections to the Bill that had been brought in, and withdrawn. If, therefore, the new Bill was in a great degree to be a copy of that, he certainly should object to it, although he was not against seeing the Bill before it was decided upon. He said, it had been argued that it would be right to have justices always sitting; that was already the case in London, where the lord mayor and one alderman sat every day till the whole business that called for the interposition of magistrates was gone through; no such police, therefore, was wanted in the city. Again, the friends of the Bill had contended, that the justices ought not to make a trade of magistracy; that also was not the case in the city, for there the aldermen gave up their time to the public, and acted in their capacity as justices with indisputable integrity, and, he believed he might add, with as good abilities as any set of men whatever. If the proposed Bill had passed, the authority of the aldermen would have been totally subverted, and they would have become in so disgraceful a degree subservient to the three commissioners of police, that no man who had the feelings of a gentleman could possibly submit to it. That part of the Bill also that proposed a continuance of the sessions at the Old Bailey, he must object to, and particularly the investing two barristers, after ten years standing, with the office of temporary judges. It was, he said, the great comfort of the subject, and the glory of the country, that every man brought for trial at the Old Bailey was to be tried before a Judge, a man perfectly skilled in the criminal law, and what was still more essential, a man who was independent of the Crown, and could have no motive whatever to warp his impartiality. The case was far otherwise with barristers of ten years standing; they would have every thing to hope for from the Crown, and professional preferment to seek for by the best means of obtaining it, that of pleasing the ministers of the Crown for the time being. Besides this, the continued sitting of the court would greatly diminish the dignity of it, take away from the solemnity of its proceedings, and weaken its authority in the eyes of the public; of that part of the public more especially to whom it ought to be looked upon with a mixture of awe and reverence, and with some degree of terror. Again, the powers the Bill was to give to beadles and constables was alarming: if this clause stood so, a constable might break open any man's house, and enter his wife's bedchamber, and so far was he from being liable to an action for a trespass, if the master of the house molested him, or endeavoured to prevent such an outrage, he was liable to the severe punishment of imprisonment for several years, or of being sentenced to transportation. The alderman added other arguments to prove that the Bill tended to introduce an arbitrary system of police, directly subversive of the charter of the city of London, and derogatory to the dignity, and destructive to the authority of the aldermen in their capacities as magistrates.

The *Solicitor General* declared, he was exceedingly glad the debate had taken place, as a great deal had been said in it well worth considering, and from which he should not fail to profit. He owned himself particularly obliged to the worthy alderman who had spoken last, who had suggested many things that demanded his thanks, and deserved his utmost attention. With regard to the idea that the Bill infringed in the smallest degree on the chartered rights of the city of London, or diminished the authority of the aldermen, he declared to God, nothing could have been farther from his intention; and the worthy magistrates of that city, who had taken part in the debate, must give him leave to say, that he believed they had, some way or other, misapprehended the meaning of the Bill, or they could not have formed such an idea. With regard to its rendering the aldermen subservient to the three commissioners of police, so far from it, a clause in the Bill expressly said, that no warrant of those commissioners, or any one of them, could be executed in the city, unless backed by the lord mayor or one of the aldermen; and when executed, the person apprehended, under the authority of the warrant so backed, must be taken before either the lord mayor or one of the aldermen, to be then dealt with according to law. With regard to the circumstance of a person

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being liable to a sentence of long imprisonment or of transportation, if he molested a civil officer in the discharge of his duty, that was a matter he meant himself to have noticed, when the Bill should have come to a committee, and to have given his reason for it. He admitted that the sentence was severe; but he knew of no way of rendering the aid of the military unnecessary, but by strengthening the hands of the civil power, and by punishing any obstruction of the execution of justice by the hands of an officer acting under the authority of the civil magistrate, in an exemplary manner. To keep the bayonet out of employ, the power of a civil officer must be rendered efficacious. With that view the punishment of obstructing a civil officer was to be severe: but still it was not so loosely provided for as the worthy magistrate had imagined. It was not any man's saying he was a constable, that was to authorize him to enter a private house, and search it, under pretence of coming to find secreted stolen goods, or a concealed offender. He must be accompanied by a peace officer, and shew his authority; and if he acted wrong, or misdemeaned himself in the execution of his duty, he was liable to punishment by a criminal prosecution by information, or by a civil action for damages. Mr. Solicitor explained why an action for a trespass would not lie, shewing that there were a variety of cases in which it was provided that such actions should not lie against officers of the civil power, and stating, that if they did, the party injured would not be able, under a process of that nature, to obtain such effectual redress, as he could get in proceeding by information, by action for damages, and by a variety of other ways that were open to him. With regard to the excellence of the aldermen of London as magistrates, he had not one word to say against it. But most of the aldermen of London had avocations of their own, exclusive of their business at Guildhall and the Mansion-house. What was wanted was, in his opinion, some persons, whose constant and unremitted duty it should be to keep upon the look-out, to maintain an active search after offenders; and when they had apprehended them, to send them before the aldermen of London, for them to work upon. He reminded the House, that there were such places as Field-lane, Chick-lane, Gravel-lane, Brick-lane, Petticoat-lane, Duke's-place, Houndsditch, and a variety of similar neighbourhoods, all within the bounds of the city, notoriously resorted to by pick-pockets, housebreakers, and thieves of every denomination. To those places it would be the business of the commissioners of police to direct their attention; and not to let it rest entirely with constables, and the inferior officers of justice, who might be prevailed on by bribes to neglect their duty, and to wink and connive at iniquity. The aldermen of London could not be expected to undertake that office, and therefore it was, that he had thought of extending the system to the city. In the whole of his Bill, however, he had held the general good in view. He had been asked when he meant to bring in his Bills, and to what point he meant to push them. To questions of that nature, it was utterly impossible for him to give any precise answer, because what should be done with them must depend upon the will and pleasure of the House. His intention was to bring them in as soon as possible; and his wish undoubtedly was, if possible, to get something done in the matter that session; as he was persuaded the evil was of a crying nature, and demanded the earliest attention possible. The House had heard in the debate of the great number of thieves in London at this time, to the certain knowledge of the magistrates of the city. He could in addition, assure the House, that he was well satisfied from the information that he had received, that there was at this time a growing crop springing up, consisting of between two and three thousand lads, from the age of ten to fifteen, who every night of their lives were in employ in their pernicious practices, and who, in the day, slept in cellars, in barns, in coal-sheds, and in corners in and about the metropolis, and several of whom were to be found in the hollow trees in Hyde-Park. Let the House recollect the recent proof that had been given of the enormous extent to which villany had arrived. Within these eight and forty hours, the master and mistress of a family had been traced out of their house in a public street in the middle of the day, and in their absence the house had been entered, and stripped of the plate it contained, and the servant left murdered on the floor. Mr. Solicitor reasoned upon this alarming fact, and said, his personal inclination must and should give way to the will of the House: he would bring in his Bill, and he hoped, with the joint assistance of the abilities of the whole House, to make it a beneficial

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bill to the public; at any rate, he should be glad to get it printed, that gentlemen might take it with them into the country; and then they might, in the next session, club their intellects, and come to some matured and proper measure, adapted truly to the nature of the case, and fit to be made a part of the law of the land.

Mr. Alderman *Hammet* said, he would not have persisted in his motion, had not the learned gentleman said, his new Bill would be no otherways different from the Bill that was withdrawn, but in that part of it that related to the stamps. If that were the case, it would be a bill that violently infringed the chartered rights of the city of London, and that must necessarily alarm the people.

The motion to discharge the order was then withdrawn.

Debate in the Commons on the Election Regulation Bill.] June 21. The *Solicitor General* said, that as his colleague was absent, he was desired to move for leave to bring in a Bill "for regulating the Duration of Polls and Scrutinies in the Election of Members to serve in Parliament." He should now only move for leave to bring in the Bill, and when the House had an opportunity of examining its propriety and competency to the evil, they would determine its fate.

Mr. *Fox* said, the learned gentleman who had announced this Bill the day before, had promised that he would bring in a Bill for regulating elections at Westminster as soon as he conveniently could, or shortly after the Easter recess. It was now a month subsequent to the Whitsuntide. On this ground he should undoubtedly object to the measure: it was a point of infinite consequence to his constituents. This House was much too thin for deciding on a point of so much importance. He suspected it must go in part, at least, on the supposition, that the scrutiny was legal. He would remind the House, that their own ultimate decision had given the most absolute negative to that opinion; and that all the laws in the land were in flat opposition to the continuing a scrutiny, after the expiration of the writ, was universally allowed. No measure, he would venture to affirm, that any minister of this country had ever supported in that House, was ever more generally reprobated. This was so much the fact, that, he trusted, whatever revolutions should take place in the state of politics or of parties, the example was too hazardous to be again apprehended. The spirit and temper of Englishmen had, as usual, given, he hoped, an effectual check to all such attempts for the future. He should certainly take the sense of the House on the present Bill; and in case of not succeeding in the present instance, he should still carry on his opposition, in hopes of being more successful in some future stage of the business.

Mr. *Dundas* said, that the only answer he would give to the right hon. gentleman's assertion, that the scrutiny had been universally reprobated, was, that the right hon. gentleman could only answer for the circles to which he had access. For his own part he had no reason, from what had come under his observation, to make a similar conclusion, but quite the reverse. And after all the strong language which had been uttered on the subject, he was still of opinion, that the scrutiny was certainly legal. The vote of the House only proved that they were tired of the business. Their refusing to comply with the hon. gentleman's motion, to erase the matter from their Journals, demonstrated their opinion, that they did not deem the matter illegal.

Mr. *Sheridan* thought the Bill a mere expedient to save the characters of those who voted for the scrutiny. He reprobated the hazarding such a measure, when the House was so thin, and begged the Bill might be postponed.

Mr. *Adam* thought it an objection to the Bill, that the great law lords would probably not be in their places, to give their opinion on the question, when it should go to the other House.

The House divided on the motion: Yeas, 56; Noes, 21.

June 27. The *Attorney General* moved, "That it be an instruction to the gentlemen who are appointed to prepare, and bring in a bill 'for regulating the Duration of Polls and Scrutinies in the Election of Members to serve in Parliament;' that they do make provision in the said Bill for making other regulations touching such elections, and also for removing difficulties which may arise for want of returns being made of members to serve in parliament." He explained with respect to the first, that it would be unreasonable to expect, that every person coming to vote should be a competent judge of the qualification; and therefore, his oath should extend no far-

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ther than to prove his identity; that he lived in such a place, went by such a name, and believed himself qualified to vote. The second part he thought required little apology, and would at least have the concurrence of a right hon. gentleman (Mr. Fox), who felt the inconvenience of an irregular return, and had declared in the House at the time the scrutiny was agitated, that he would be glad to have the matter tried under Mr. Grenville's Bill, which would give him more speedy and effectual justice. The object of that wish could be accomplished by the present Bill, and a similar proceeding to that, so much complained of, prevented from happening in future.

Mr. *Fox* said, that it would be needless for him to repeat the objections to this motion which he urged against a former one in the course of last week. Having considered this to be a period of the session by no means proper for the introduction of business which was expected, and ought to have come before, he found the objection press with equal force in the present application, as in the former one. But before he should take the sense of the House on the question, he would first remark, that the learned gentleman's proposition did not come much recommended by obliging the voter to swear only to the belief of his qualification. He then came to the second regulation, obliging the officer to make a return of members. This would be a very proper one, were the law any other than it now was; but as it contained no doctrine that was not already recognized by every decision of the House, except those disagreeable deviations in the case of the late scrutiny; as it maintained no principle which was not expressly laid down in the body of every act of parliament, or declared in the preamble, he must resist the futility of re-enacting what was already enacted, and providing against a conduct in future which could not now be pursued without the highest criminality in the returning officer. He could not avoid considering the final decision of the House with respect to the scrutiny, as declaratory of these sentiments; and therefore conceived them bound even by consistency, to oppose a tacit acknowledgment of that conduct being legal, which was so universally reprobated, and which could not find even the shadow of support except in the unconstitutional constructions of the learned gentleman, and some others engaged in the same cause. The learned gentleman had thought proper to remind him of saying, that he wished to have the business come before a committee under Mr. Grenville's Bill; but he did not see how that could lead to an approbation of this regulation, being only a complaint of having that justice withheld to which he was entitled. After this, he had no other view to consider the regulation than as a salvo to former misconduct. This species of remedy he was always averse to, apprehending that it would tend more to the repetition than the future prevention of misconduct. For these reasons, he was resolved to oppose the motion.

Mr. *Pitt* said, that the right hon. gentleman, in treating this subject, seemed to forget those arguments he used when the scrutiny was carrying on, and perfectly misrepresented the cause of their final decision. It was not because they thought the scrutiny illegal that they put an end to it; for if it were so, they certainly would have complied with the motion for erasing it from the Journals. But finding it not likely to answer the purpose for which it was intended, they discontinued it on motives of expediency only. The regulations of his learned friend were by no means redundant or explanatory of what was already law; for there was nothing either in the resolutions of the House, or the statutes, which rendered a scrutiny illegal after the expiration of the writ; and the most zealous opponents of the scrutiny could shew no difference in principle between the late and the former scrutiny for Westminster.

The House divided on the Attorney General's motion: Yeas, 47; Noes, 33.

July 5. On the motion for going into a committee on the Bill, Mr. Fox said, he would at present only object to the folfowing extraordinary words in the preamble, "Whereas certain inconveniencies may arise:" the interpretation of which was, that the present state of the law admitted of such inconvenience arising; now, as he always held that, without the most criminal conduct in a returning officer, these evils could not be experienced, he must oppose that interpretation of the preamble. The Attorney General contended for the propriety of the preamble, and the necessity of his Bill. The question was put on going into a committee, on which the numbers were—Yeas, 72; Noes, 32. Mr. Pitt then moved for lord

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Mahon to take the chair. Lord Mahon refused, as he intended to speak against the Bill. Lord North was of opinion, that although the House forced the Speaker to take the chair, still it would be exceedingly hard to debar the noble lord the privilege of speaking against a bill which he did not approve of. The question was then put, that lord Mahon do take the chair, and carried in the negative. After much entreaty, the Solicitor General was prevailed on to take the chair. Mr. Fox, lord North, and several others, attacked the principle of the Bill, and contended, that, as there was no appearance of a general election, there was no necessity of altering the law of the land in so material a point, especially at so late a period of the year. Mr. Fox therefore moved, that the Chairman do leave the chair. This brought on a conversation of considerable length, in which Mr. Pitt, the Attorney General, Mr. Sheridan, and Mr. Eden, were several times up in reply, and in explanation. Mr. Sheridan pointedly attacked the preamble and the clauses of the Bill, and stated the inaccuracies with great precision. The Attorney General attempted a defence; but unfortunately saying, that he had not read the statutes at large, and that there was an act respecting a scrutiny in Norwich, in opposition to Mr. Sheridan's positive assertion, of there not being any act respecting any scrutinies, except the city of London, a running fire was kept up, and Mr. Attorney felt the force of Mr. Sheridan's wit, Mr. Conrtenay's humour, and Mr. Fox's satire, for a considerable length of time, in which he now and then made a reply.

Mr. *Courtenay* ironically complimented the Attorney General on the able and unanswerable manner in which he had defended himself, and said, if he were not of a very compassionate and feeling disposition, he should not have troubled the committee with a word on the subject; but as he listened with indignation to the unmerited and severe strictures that had been thrown out against the learned gentleman, which he saw had affected him deeply, and as he always (from sympathetic and sentimental feelings) pitied a great man in distress, he could no longer sit silent. He then observed, that an unfair and uncandid advantage had been taken to attack the learned gentleman, whilst his able colleague, the Solicitor General, was confined to the chair, and precluded from assisting him, with those brilliant abilities, and that profound professional knowledge, which always carried conviction to the House. In consequence of this, the learned gentleman had been overpowered, by having the voluminous code of law contained in Ruffhead's edition of the Statutes at Large flung at his head; and this malicious species of attack had been carried on in the most insulting and provoking manner—not by learned gentlemen of the same profession, but by honourable members of the House, who seemed, somehow or other, to have acquired more precise and accurate ideas of law and the constitution than his Majesty's Attorney General. However, he hoped the learned gentleman would not sink into despondency and despair on this trying occasion. He might still comfort himself, by reflecting, that his unlearned opponents were not lawyers, and therefore his credit and reputation could not suffer by any momentary victory they obtained, as they could not pursue him into the courts below. He begged the learned gentleman to consider himself in the situation of Sancho Pança, when he was beat with the shoemaker's last; Don Quixote very philosophically proved to the disconsolate Sancho, that the meanness of the instrument took away the disgrace of the drubbing; but that if he had been conquered by a squire of his own rank and degree, the ignominy would have been indelible. This Mr. Courtenay asserted was a case in point, and applied very forcibly to the Attorney General. He intreated the learned gentleman to derive patience, and to draw consolation from so apposite an example. An hon. member had observed, that no man was capable of drawing up a bill better than the learned gentleman: the contradictions, absurdities, and blunders which had been ostentatiously displayed in the course of the debate, all conspired to evince the excellency of the Bill; they were so very obvious, that they were immediately discovered, and made perfectly intelligible to the meanest capacity; and consequently there could be no deception, no legal sophistry meant to be imposed on the minds and understandings of men, when the faults were written in capitals, and the law, reason, and professional knowledge, on which insidious acts of parliament are sometimes founded (but not by the learned gentleman), were as perfectly illegible as if they had been written in lemon juice. Judge Blackstone, he said, had remarked, that the

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emperor Caligula used to promulgate his laws, by having them written in a small hand, and hung up his tablet so high that the people could not read them; yet he exacted severe penalties for the slighest breach of them. What a striking contrast was there between the conduct of a Roman tyrant and an English attorney general, who adapted and lowered the sense of his election laws to the humblest capacity, and provided no penalty whatever for the infringement of them. He likewise particularly admired the candour and ingenuousness of the learned gentleman, who had declared fairly and openly, that he had not read the Statutes, nor taken any pains to find out whether there was any necessity for introducing the present Bill or not; nay, so very innocent and undesigning did he appear, that he even did not know the name of his own Bill, probably thinking a title might be bestowed on it, with more propriety when it went to the other House. There was no subtilty, no trick, no deception, he said, in the learned gentleman; all was fair, liberal and candid in his proceedings; and unless it had been universally known that he really was his Majesty's Attorney General, no one could ever have suspected it from the professional talents he had exhibited that night. This modesty was certainly a peculiar merit in the learned gentleman, and a singularity not practised by any of his predecessors in office, but which deserved the highest eulogiums. The learned gentleman had, likewise, he observed, in the exuberance of his fancy, triumphantly asserted, that there was a statute purposely framed to regulate polls and scrutinies in the election of members of parliament for the city of Norwich, and dwelt with some degree of exultation on the error of an hon. gentleman, (Mr. Windham) who had presumed to differ from him on this point. However, the fact turned out, that the Bill alluded to was intituled, "An Act for regulating the measure of Norwich stuffs and druggets; and for electing proper officers, &c. to carry the same into execution." This slight mistake, with five or six more of a similar nature, had been pointed out, and seemed to have made (very improperly indeed) some impression on the House; but such futile objections were instantly obviated by the right hon. the Chancellor of the Exchequer, who observed with his usual sagacity and discernment, that there was no room for triumph, by exhibiting proofs of ignorance, folly, and precipitation in the Bill, where every clause was pregnant with them; and that it was an easy task for gentlemen who studied the statutes for the purpose of cavilling and faction, to embarrass and perplex his learned friend, who had repeatedly acknowledged he had never read one of them. Mr. Courtenay threw out a variety of sarcastic and ludicrous remarks to the same purpose, all of which were received by the House with great relish.

Mr. *Adam* declared the Bill was most ignorantly drawn, and indecently brought forward, when there were none of the Judges in town to give their opinion on a Bill which was to alter the ancient law of the land.

The question being put, that the chairman do leave the chair, a division took place: Yeas, 44; Noes, 89. The committee then went through the clauses.

July 14. Mr. Fox brought up a petition from Westminster against the Bill, and moved that the petitioners be heard by their counsel. On this the House divided: Yeas, 18; Noes, 55.—The Bill was afterwards read a third time and passed,

Debate in the Commons on the Bill for the Encouragement of the British Fisheries.] July 4. Mr. *Beaufoy* rose and said:—I had the honour, a few days since, of presenting to the House a Report from the committee appointed to inquire into the state of the British fisheries, and into the most effectual means of their extension and improvement; and I now rise to discharge the duty which, as chairman of that committee, I owe to the House and to the public, by moving, "That the House do now resolve itself into a committee of the whole House, to consider of the said Report." I am sensible, that at a period of the session so far advanced, it is neither usual nor desirable, that new business should be introduced: yet, in that which I have to propose, there are circumstances that perhaps may incline the House to the opinion, that its discussion ought not to be postponed. Those circumstances are, the approaching expiration of the temporary law which grants a bounty on the tonnage of vessels employed in the fishery for herrings; and the obvious expediency of determining by actual experience, before it does expire, whether that bounty can be made effectual to its end, and of course, whether it ought or ought not to

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be renewed. Hitherto that bounty has operated as an useless expense, of little less than 20,000*l.* a year to the public; and has amounted, upon an average of the last ten years, to 7.5 per cent. on the value of all the fish that has been taken by the vessels on which it was paid. Now, before the temporary law which gives the bounty expires, and before petitions for its renewal are received, it is highly requisite that the House should be able to determine, by a fairer experiment than has hitherto been made, whether the failure of the home fishery has arisen from insuperable obstacles in the nature of things, in which case a continuance of the bounty would be an ill-judged and unwarrantable waste of the public income; or whether it has not entirely arisen from that system of injudicious regulation that has accompanied the bounty and contracted its effects.

Here the Speaker observed, that what Mr. Beaufoy seemed preparing to say, would be offered with more propriety after the House should have resolved itself into a committee. Mr. Beaufoy acquiesced, and the House having resolved itself into a committee, he went on thus: The failure of the herring fishery of Britain has been generally lamented, but the causes of that failure have never yet been clearly ascertained. The Legislature granted ample bounties, and has at the same time prescribed the system by which the fishery shall be conducted. But whether the regulations so prescribed, are suited to the nature of the fishery, the interests of which they profess to promote, seems not, at any rate, to have been an object of inquiry. The herrings leave the polar seas early in the spring, and proceeding in a shoal that is supposed to fill a larger space in the ocean than the island of Great Britain, are separated at Ireland into two divisions: one of these pursues a western course, along the shores of America; while the other arrives in the Shetland seas early in the month of June. To these seas the Dutch resort with a multitude of vessels, employing from 10 to 20,000 seamen. They assemble in the Brassa sound, on the Shetland coast, on the 22d day of June, and on the 24th are permitted to cast their nets. Such is the practice of the Dutch: now what is that of the English? Sir, the law has declared, with incredible absurdity, that the English vessel, if she means to have the benefit of the bounty, shall not sail till the 1st of October: before that day arrives, the herrings have passed by: some of them, indeed, winter in the sea, lakes, or the western coasts of Scotland; but infinitely the greater part have reached the Atlantic Ocean, where they entirely disappear. In the mean time, the Dutch and the Swedes have supplied all the markets of Europe; and the Irish, whose Legislature has seen and avoided the impolicy of our restrictions, have furnished our own vessels with herrings for the consumption of our West India islands. The removal of this grievance, by a declaration, that vessels sailing on the herring fishery shall be at liberty to proceed on their voyage at any time not earlier than the 1st of June, is the object of one of the resolutions contained in the Report.

The next obstacle to the success of our fisheries is also occasioned by the law; for it declares, that no vessel shall be entitled to the bounty, that has not previously sailed to one of the appointed ports of rendezvous. Now the consequence of the restriction is, that a vessel is compelled to make a circuitous voyage which often occasions the loss of a week, and is sometimes, from the accidents of wind and weather, the cause of a much longer delay; nor is this waste of time and accumulation of expense to the fishermen productive of the least advantage to the public. The Dutch, indeed, have enjoined a general rendezvous to the vessels employed in their fisheries; but with them the regulation is accompanied by a code of judicious laws, enforced by a commodore, to whom great authority is given; and in aid of whose power, the regulation that directs the rendezvous and forbids the separation of the fleet appears to have been established; whereas the British Legislature, in adopting one of the restrictions imposed by the Hollanders, has neglected the policy by which alone it is justified. The British law appoints no commodore; it furnishes no protection; it neither permits the fisherman to pursue his own interests in his own way, nor prescribes to him a wise and judicious rule: it imposes the inconvenience of restraint without the advantage of regulation. I flatter myself the committee will not disapprove of that resolution in the Report that has for its object the removal of this grievance.

A third excessive discouragement to our fishermen is, the refusing them the liberty which the Dutch always grant to their people, that of sending home their fish as

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they take them, without waiting till each vessel shall have completed her cargo. The English law allows no other alternative to the master of the vessel, but that of returning with a full cargo, or of continuing three months at sea; the consequence of which is, that the fishing vessels from Glasgow have the mortification of seeing the West India ships of their own port sail by them on their way to Cork, in order to purchase herrings for the supply of the West India market. As a remedy for this evil, it is my intention to propose, on the authority of the Report, that the master of the fishing-buss shall have liberty to send home, in an attendant vessel, the fish as he takes them; and shall also be permitted to purchase fish of the boatmen on the coast: for they have often a plentiful supply when the decked vessel has little success. But in order to promote as much as possible the increase of our seamen, I wish also to propose, as the condition of the indulgence, that every vessel which takes the benefit of both or either of these privileges, shall continue three months at sea, unless, before that time, she shall return with a full cargo.

Another most impolitic burthen on the fisheries is created by the tax which the Legislature has imposed on such herrings as are sold for the consumption of our own people. Of all taxes, those which are laid upon the food of the people are surely the most unwise; and of all taxes upon food, that upon the subsistence of the poor is certainly the most oppressive. To the inhabitants of the northern coasts of Scotland, fish is the natural and almost the only means of support; and it is found there in such incredible abundance, that in the year 1780, on the sudden sinking of the tide in one of those lakes which communicate with the sea, no less than 50,000 tons of fish were left at once upon the shore. The lake appears to have been full from its surface to its bed. Who would imagine, that a country, whose coasts are crowded, and whose lakes are filled with such infinite multitudes of fish, could ever experience the miseries of famine? yet, every gentleman who hears me knows, that within these two years, such was the state of Scotland. The House allotted 14,000*l.* to purchase corn for the relief of the starving inhabitants, but in the mean time many of them had perished from a want of food. Sir, to our tax upon fish, and to the system of our Salt laws, the miseries of that year are wholly to be ascribed; for had it not been for the discouragements and restraints which that tax and those restrictions imposed upon the curing of herrings for home consumption, the practice of preserving them for the home market would long since have been established; the quantities cured in the autumn and the winter, would have been great in proportion to the scarcity of the harvest; and the people in every part of the country would have been plentifully fed. I wish not, at this late period of the session, to propose so tedious and complicated a business as the revision of our Salt laws; but till those laws shall be corrected, and till the duty on coal carried by sea from one part of Scotland to another shall be repealed, her fisheries never can be carried to an extent in any degree proportioned to that of which they are capable. Many an extensive tract of land in Scotland has neither coals nor wood, nor even its miserable substitute, peat; yet, by a tax which operates almost as a prohibition (for through all Scotland it does not produce 2,000*l.* a year), the inhabitants are prevented from obtaining a supply from the adjoining districts. What, upon this subject, is the language of the law to the people? Does it not seem to say, 'Nature has withheld from you the fuel which is necessary for your convenient subsistence; she has refused you the means of assembling yourselves in towns, and of carrying on your fisheries to advantage; she has denied you materials for converting to useful manure the chalk and the lime-stone with which your hills abound. These wants, indeed, the neighbouring districts would abundantly supply; towns would then be built upon your coasts, your fisheries would flourish, and the corn which, for want of manure, now perishes unripened on your lands, would then yield an abundant harvest. But of this equitable privilege, the Legislature has determined to deprive you; the law shall enforce the curse which nature has inflicted.' Such, Sir, in effect, is the language of your statutes. When the people are protected by wise and provident regulations; when the Legislature acts as it were affectionately towards them, there are few obstacles which their industry does not enable them to overcome; whereas, an unwise and improvident law operates more severely upon them than rigour of climate, or than barrenness of soil; for it binds them to calamity and renders distress perpetual.

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Unfortunately, Sir, what I am saying is not idle declamation, nor the doubtful suggestion of speculative reasoning, but an indisputable conclusion from the evidence of acknowledged facts. Compare, for example, the natural state of Holland with that of an equal tract of land on the western coasts of Scotland, and then consider the actual state of each. What was the ancient condition of the former? A wide waste of land, with here and there a pool of salt water: but what is now the state of population? Is it not covered with millions of inhabitants? In Scotland, on the other hand, we shall find many natural advantages; its lakes are abundantly supplied with fish; its vallies are covered with pasture; its rivulets are suited to the uses of many manufactures; and in addition to these advantages, it has also a natural water carriage almost from sea to sea; yet, what is the state of its population? Sir, I travelled in that country from sunrise to sun-set, without seeing a human face, or the marks of a human habitation. I mention not these unhappy effects of improvident legislation with a view of troubling the committee with any immediate proposal for correcting the evils which the Salt laws and the tax on waterborne coal have produced in Scotland. In a future session, indeed, an opportunity will, I hope, be found of relieving the western districts of Scotland from the vexatious, and, to a poor country, most destructive taxes on salt and coal, the joint produce of which in all Scotland does not exceed 16,000*l.* a year; and which, in the districts I have mentioned, do not even pay the expense of collection. But at present I mention the pernicious effects of those taxes merely with a view to shew, that the resolutions which I am now to move do not include the whole of the grievances that oppress the fisheries of Britain. To many of the most material, the removal of which is essential to the existence of the fisheries, considered as a national object, they certainly do extend; but that sort of relief that would give to the fisheries of Britain the prosperity of which they are capable, and unquestionably place them above all competition, embraces objects of too much importance to be discussed at the close of a session.

Sir, I will trouble you with no farther remarks on the home fisheries of Britain: but before I sit down, it will be necessary to explain the purport of a motion I am anxious to make on a different fishery; that which is carried on for cod on the coasts of Iceland. To that fishery, about seventy years since, one single town, that which I have the honour to represent, annually sent no less than 200 vessels, exclusive of those which the rest of the kingdom employed. But in the reign of queen Anne, an act was passed to deprive the owners of vessels employed in the Iceland fishery, of an indulgence which, till that time, they had constantly enjoyed in common with those who are engaged in the fishery for herrings, that of warehousing till the following season, under the lock of the officer, and therefore without the payment of the duty, such salt as was brought back in the vessels unused. The Act directs, that upon all such salt the duty shall be paid. This ill-considered and impolitic law, without having made the minutest addition to the revenue, has totally annihilated all that Britain possessed of this extensive and most valuable fishery; while foreigners, profiting by our mistakes, pursue it with eagerness, and monopolize all its advantages. Forty vessels from Dunkirk alone sailed on this fishery in the last year, and every vessel is said to have returned with a full cargo. The cod which are taken on the Iceland coasts are described as the finest in the world; and as being as much superior to those which are caught in the seas of the United States of America, as the latter are reported to be to those of Newfoundland, a difference that would ensure to the merchant whose cargo is of Iceland fish, an advantage over the Americans in every European market. It is from a wish to give to Great Britain advantages as estimable as they are obvious, that one of the motions which I shall now beg leave to submit to the consideration of the committee, has for its object the restoring to the owners of vessels employed in the Iceland fishery, the privilege they formerly enjoyed of warehousing their surplus salt; a privilege which the proprietors of the herring-busses have always been allowed, and the folly of refusing which, to the owners of vessels in the Iceland fishery, experience has abundantly proved.

The Resolutions were as follow: 1. "That every buss, or other fishing vessel, properly fitted out and furnished, as by law required for vessels entered for the bounty, shall be allowed to clear out of any port of Great Britain, at any time between the first day of June and the first day of October, and to proceed immediately to her fishing

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station, and to cast her nets, without being obliged to rendezvous at any other port or place. 2. That the masters of busses and other vessels employed in the herring fishery, shall be at liberty to purchase fresh herrings of the boat fishers (being British subjects), and to ship the herrings which they shall take, or which they shall purchase as aforesaid, on board any attendant British vessel, with permission to land the same, under proper regulations, in any of the ports of Great Britain, upon oath being made by the master of the smaller vessel so landing them as aforesaid, or by the owner of the fish, that the fish were, to the best of his knowledge and belief, caught by British subjects; provided, that if the attendant vessel, which shall sail with such fish, shall land them at any other port than that from which the principal vessel cleared out, a proper certificate of the number of barrels of salted fish so landed shall be obtained from the principal officer of customs at such port, before the bond for the duties on the salt taken on board the principal vessel shall be discharged; and provided also, that no buss or vessel, returning to port within the space of twelve weeks after her clearance outwards, unless with a full cargo, the whole of which shall have been taken, and cured or salted by such buss or vessel, shall be entitled to a bounty. 3. That, for reviving and encouraging the cod fishery in the North Seas, and in Iceland, the owner of any vessel employed therein shall be at liberty to use, in the said fishery, British-made salt, duty-free, and to warehouse, under the key of the officer, any surplus salt remaining in such vessel upon her return to the place of her outfit, under the like rules and regulations as are provided for surplus salt brought back in vessels employed in the herring fishery. 4. That all busses, and other fishing vessels, shall in future be permitted to be entered for the bounty, without any limitation of their burthen or tonnage, except that no vessel of less than twenty tons shall be entitled to the bounty for more than eighty tons, although of a larger burthen. 5. That all busses and vessels, employed in the herring fisheries, shall be at liberty during the time of their continuance at sea, to catch and cure cod, ling, and hake, as well as herrings, and shall be subject to the same regulations, and have the same privilege of curing the said other species of fish with salt duty-free, as in the case of herrings; but that no bounty shall be allowed on the exportation of the said other species of fish; and therefore, that such other fish shall be marked by cutting their tails in the manner prescribed for marking fish cured for home consumption."

To these Mr. Beaufoy said, he would add a resolution to declare, "That all the existing laws and resolutions on the fishery do cease." Mr. Beaufoy concluded with moving the first resolution.

Mr. *Eden* said, he did not rise with any intention of opposing the resolution, but there appeared to him to be a serious difficulty in the case: the result of the resolutions was in fact an abandonment of the revenue, derived from the operation of the laws in being relative to the British fisheries. He wished therefore to know, before he gave his consent to the resolution, what necessity existed for bringing forward a matter of so much importance at that late period of the session, and in so very thin a House; and upon what ground it was that the conduct of our forefathers, who had a few years since put an end to the system now proposed to be revived, was presumed to be founded in bad policy? He reminded the committee, that precisely the sort of system which the resolutions would lay the ground for re-establishing, had existed for 35 years, and had within the last 20 years been abolished. It therefore appeared to him necessary that some proof should have been given, that good policy required the restoration of the exploded system. If any gentleman in administration would stand up and say, that he was persuaded, the proposed alteration was founded in wisdom, and that it would be worth while to risk the revenue in the manner proposed, Mr. Eden declared he should be satisfied; for he made no scruple to acknowledge, that he was not sufficiently master of the subject to pronounce upon it with certainty. He had no other information respecting it but what he had obtained from perusing the Report, and from consulting two or three volumes of the statute books upon the table since he came into the House; and he would venture to say, without dread of being thought guilty of any affront to the committee, that very few of the thirty members present were better acquainted with the subject than himself. He hoped, therefore, to hear from those who were to be responsible for the measure, and to whose peculiar care the revenue of the country was intrusted, that they had reason to think that it was

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right, and that it would not be disadvantageous to the revenue to revive the old system with regard to the British fisheries. The existing laws relative to the fisheries would not expire till the year 1787. He was, therefore, the more amazed at the matter being brought forward at so extraordinary a season.

Mr. *Pulteney* defended the resolutions, as harmless on the one hand, and as likely to prove extremely beneficial on the other. He said, if the British fisheries were properly encouraged, it was incredible to what an extent they might be carried.

The first five resolutions were agreed to. When the last resolution, declaring, that all the existing laws and restrictions touching the British fisheries do henceforth cease and determine, was moved,

Mr. *Pitt* said, as its obvious tendency was to give up the whole of the revenue arising from the fisheries, it was a matter that required some consideration on his part before he consented to it; he wished therefore that it might be postponed.

Mr. *Beaufoy* said:—The Chancellor of the Exchequer has observed, that he is not aware of any such reason for the repeal of the tax upon herrings consumed at home, as will justify the relinquishing the income it affords. Does then the right hon. gentleman really think, that a tax upon the subsistence of the people, which always operates as a tax upon population, is the surest mode of increasing the income of the state? Does he think that the shortest way of attaining an end, consists in the destruction of the means? Does he think that 1,400*l.* a year, which is all that this miserable tax affords, sufficiently compensates for the discouragement it brings on the fisheries, especially of Scotland, in many districts of which, fish is almost their only food? Even upon the narrow estimate of how much this tax has brought into the Exchequer, and how much the Exchequer has disbursed in consequence of expenses created by the tax, it is doubtful if the revenue is a gainer; for to this tax is, in great part at least, to be attributed, that famine in Scotland, for the removal of which no less a sum than 14,000*l.* was voted by the House. So that upon the contracted scale of money received and money expended, the gain to the revenue is extremely problematical. But if the effects of the tax on the population of the country be taken into the account; if the prevention of famine in districts of vast extent be an object of any worth; if increasing the means of wealth, by the encouragement of the fisheries in places from which nature has excluded almost every other object of industry, be not too contemptible a good to deserve the attention of the Legislature; or if the calling the navy of England the bulwark of her people, their best reliance and sure defence, be not empty and insignificant sounds, words of no import, frivolous and foolish declamation; then I am confident, that no tax more unwise, no impost, in all its effects, direct as well as collateral, more thoroughly impolitic, has ever been imposed. In this light I am persuaded, the Chancellor of the Exchequer, when the completion of the more urgent business that now presses upon his mind shall have left him leisure for the inquiry, will consider the tax; and in that hope, I shall certainly forbear at present to press this resolution on the judgment of the committee.

July 5. The Report of the said resolutions being brought up,

Mr. *Eden* begged leave once more to enforce a matter of fact that he had already stated to the House in the committee; what he alluded to was, that the present laws would not expire till 1787. As those laws would, therefore, continue for two years more, there was no absolute necessity to prepare some new system to take effect as soon as the present should cease; nay, even if the expiration of those laws should take place in 1786, instead of the following year, there still would be time enough in the next session to prepare a bill on the subject; which would be infinitely more decent, than now, at so late a period of the session and in so thin a House, when there were but thirty or forty members present, to hurry a bill on a subject of such vast importance.

Mr. *Dempster* defended the resolutions, and thought there could be no reason for postponing the business to another session. He said, that if gentlemen did not attend their duty in parliament, it was no argument, why matters of such consequence should be prevented from going forward; for though certainly it was desirable to transact the present business in a full House if such a one were to be had, it was of such a nature, that if it could be done in a House consisting of but two members, it ought to be so, rather than left undone.

Mr. *Beaufoy* answered Mr. Eden as

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follows: The right hon. gentleman has observed, that the altering from the 1st of October to the 1st of June, the day prescribed for the commencement of the herring fishery, will, in a great measure, restore the law to what it was before the act of the 19th of his Majesty was passed; and he wishes to know what reason can be assigned for re-appointing a time, which the Legislature, on proof, he presumes, of its inexpedience, thought proper to change. I believe, Sir, an account of the circumstances which occasioned that change will answer the right hon. gentleman's question in a manner the most satisfactory. I have already had occasion to remark, that the Dutch begin their fishery in June, and that before the 1st of October, the herrings are gone by, those only excepted which loiter in the lakes of Scotland, and constitute what is called the winter fishery.

Now it happens, that to this fishery alone, which is often within a mile of their dwellings, the inhabitants of Scotland are attached; and it also happens, that the act of the 19th of the King, was brought in by a noble lord (lord Frederick Campbell) whose connexions are in that part of the island. Hence it probably was, that in a Bill for the regulation of the fishery, he thought of no other than that in which the people of his own neighbourhood were engaged; by which means the act has legislated (I believe very unintentionally on his part) for the benefit of the western districts of Scotland, without the least regard to the interests of the rest of the kingdom. It will accordingly be found, that nearly the whole of the bounty on the tonnage of vessels employed in the herring fishery, has been monopolized by those particular districts; and that not a single vessel from any part of the island has been engaged in the summer fishery, the only one to which the Dutch have ever applied; and which has sometimes given employment to more than 20,000 of their seamen. Is the right hon. gentleman unapprised, that I wish the Legislature to correct a mistake, into which they, as well as the noble lord who proposed the act of the 19th of his Majesty, have inadvertently been led? I am sure he does not mean to exclude the English from the summer fishery, the only one for white herrings, which their situation permits them to pursue: yet relatively to them, the present law is as absurd as an act for the encouragement of agriculture would be, if it appointed the month of August for the sowing time, and Janurary for the season of harvest.—The very persons who solicited the Act of the 19th of the King, if they had understood the real interest of their fisheries, or rather, if that interest had been the real object of their pursuit, would not have wished that the time of sailing should be changed from June to October; for it is obvious, that on every commercial principle, the employing their vessels and their men in the summer fishery, would have enabled them to have carried on the winter fishery with increase of advantage. But I fear, that as the bounty, much more than the fishery, is often the object of the voyage, so the securing the bounty was the principal object with those at whose solicitation that noble lord was induced to propose the change. So entirely forgotten, indeed, had been the interests of the fishery, considered as a national object, that Government has been known to pay a bounty of 150*l.* on a single barrel of herrings, whose utmost worth did not exceed 25*s.* Under these circumstances, I am persuaded the committee will be of opinion, that the alteration made by the 19th of his Majesty was injudicious; and that vessels sailing on the fishery, should be allowed to take their departure on the 1st of June, by which means they will reach the fishing ground a few days before the arrival of the Dutch; a preference to which, in their own seas, and upon their own coasts, they are certainly entitled.

The right hon. gentleman desired also to know what reason can be assigned for bringing forward the business of the fisheries in the present session; a business which, in his opinion, might have slept without the least inconvenience till the House shall again be convened. Sir, I might observe upon this occasion, that the business of the fisheries, though it has not before been discussed in a committee of the whole House, ought not to be considered as new to a large proportion of its members; for a great part of the House were included in a committee, which at a late period of the last session, and in that which, at a much earlier of the present, were appointed for the examination of the subject. I might observe, that if the right hon. gentleman himself is wholly uninformed on the business, his want of information is voluntary, and ought not to be pleaded as a reason for delay. But waving such arguments, allow me to ask, what motive can

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be alleged for postponing the removal of grievances whose existence is demonstrated. When I first opened the grounds of the motions I intended to make, I observed, that but little remained of the period for which the bounty on the tonnage of vessels employed in the herring fishery was given. That before the period shall expire, it is of importance to determine, by actual experiment, whether the bounty, which at present is an useless expense to the public, may not be made effectual to its end, by the removal of those countervailing restrictions which the very act that grants the bounty has preposterously imposed. Now, if the removal of those absurd restraints should be delayed, as the right hon. gentleman proposes, to a future year, the law which gives the bounty will expire before any fair experiment can be made of what, when unfettered, that bounty will do. Thus, the Legislature will be called upon to decide on the propriety of discontinuing or of renewing the encouragement, without sufficient experience to guide their judgment and direct their decision. I know it is often asserted, and even by intelligent men has been frequently believed, that the industry of the Dutch, and the low rate of interest among them, which certainly enable them to trade for a low profit, will always give to their fishermen a decided advantage. But a little reflection on known and acknowledged facts, will be sufficient to disprove this hasty and unwarranted conclusion; for, is it not obvious, that the industry of the Dutch is as great, and the interest of their money as low, when employed in the whale fishery as in any other? Yet, in the fishery to Greenland, the English have a decided superiority; and in the fishery for whales in the Southern seas, Britain has scarcely any competitor. Her Newfoundland fishermen have also gained an acknowledged ascendancy: it is only in the fishery for herrings, a fishery upon her own coasts; a fishery which she alone has the means of continuing through the winter, uniting thereby the advantage of both seasons; it is only in that fishery, in which she has every natural advantage, that her exertions have failed of success, and that Holland preserves her ascendancy. Now what can be the cause of so strange and so unnatural a phenomenon? Sir, the cause is sufficiently obvious; our laws, the capricious, irrational, unjust restrictions imposed on the herring fishery by our laws, are the sole reason of its failure. No foreign industry, no skill, no perseverance, no active resolution of foreigners, could have weighed down the exertions of the English; their own Legislature alone could have baffled their efforts; their own Legislature alone could have sunk their spirits and rendered all their endeavours ineffectual. Sir, I am anxious, and I believe the committee will be anxious, that this just reproach should as speedily as possible be removed. Wholly removed I know it cannot be till the Salt laws are revised, and till the duty on water-borne coal in Scotland be repealed; but if the resolutions which I am now about to move shall meet the approbation of the committee, and afterwards receive the sanction of the Legislature, some of the principal absurdities which disgrace our statute books will be corrected; several of the chief obstacles to the success of our fisheries will be removed; and hopes will be given, that in time, the Legislature may permit the herring fishery to be carried on upon the same principles as a manufacture, in which every man is at liberty to pursue his own interests in his own way.

The Resolutions were then agreed to, and a Bill ordered in upon them. It was presented on the 7th, and passed without debate.

Copy of the Commercial Resolutions between Great Britain and Ireland, as agreed to by both Houses.] July 25. The following is a Copy of the several Resolutions relative to the adjustment of the Commercial Intercourse between Great Britain and Ireland, as agreed to by both Houses.

Resolved, 1. "That it is highly important to the general interests of the British empire, that the intercourse and commerce between Great Britain and Ireland should be finally regulated on permanent and equitable principles, for the mutual benefit of both countries.

2. "That it is consistent with the essential interests of the manufactures, revenue, commerce, and navigation of Great Britain, that a full participation of commercial advantages should be permanently secured to Ireland, whenever a provision equally permanent and secure shall be made by the parliament of that kingdom towards defraying, in proportion to its growing prosperity, the necessary expenses, in time of peace, of protecting the trade and general interests of the empire.

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3. "That, towards carrying into full effect so desirable a settlement, it is fit and proper that all articles, not the growth or manufacture of Great Britain or Ireland, except those of the growth, produce, or manufacture of any of the countries beyond the Cape of Good Hope, to the Straits of Magellan, should be imported into each kingdom from the other reciprocally, under the same regulations, and at the same duties (if subject to duties) to which they would be liable when imported directly from the country or place from whence the same may have been imported into Great Britain or Ireland respectively, as the case may be; and that all duties originally paid on importation into either country respectively, except on arrack and foreign brandy, and on rum, and all sorts of strong waters not imported from the British colonies in the West Indies, shall be fully drawn back, within a time to be fixed, on exportation to the other, but, nevertheless, that the duties shall continue to be protected and guarded, as at present, by withholding the drawback until a certificate from the proper officers of the revenue in the kingdom to which the export may be made, shall be returned and compared with the entry outwards.

4. "That it is highly important to the general interests of the British empire, that the laws for regulating trade and navigation should be the same in Great Britain and Ireland; and therefore that it is essential, towards carrying into effect the present settlement, that all laws which have been made, or shall be made, in Great Britain, for securing exclusive privileges to the ships and mariners of Great Britain, Ireland, and the British colonies and plantations, and for regulating and restraining the trade of the British colonies and plantations (such laws imposing the same restraints, and conferring the same benefits, on the subjects of both kingdoms), should be in force in Ireland, by laws to be passed in the parliament of that kingdom, for the same time, and in the same manner, as in Great Britain.

5. "That it is further essential to this settlement, that all goods and commodities of the growth, produce, or manufacture of British or foreign colonies in America, or the West Indies, and the British or foreign settlements on the coast of Africa, imported into Ireland, should, on importation, be subject to the same duties and regulations as the like goods are, or from time to time shall be subject to, upon importation into Great Britain; or, if prohibited to be imported into Great Britain, shall be prohibited in like manner from being imported into Ireland.

6. "That, in order to prevent illicit practices injurious to the revenue and commerce of both kingdoms, it is expedient, that all goods, whether of the growth, produce, or manufacture of Great Britain or Ireland, or of any foreign country, which shall hereafter be imported into Great Britain from Ireland, or into Ireland from Great Britain, should be put (by laws to be passed in the parliaments of the two kingdoms) under the same regulations with respect to bonds, cockets, and other instruments, to which the like goods are now subject in passing from one port of Great Britain to another.

7. "That, for the like purpose, it is also expedient, that when any goods, the growth, produce, or manufacture of the British West India islands, or any other of the British colonies or plantations, shall be shipped from Ireland for Great Britain, they shall be accompanied with such original certificates of the revenue officers of the said colonies as shall be required by law on importation into Great Britain; and that, when the whole quantity included in one certificate shall not be shipped at any one time, the original certificate, properly indorsed as to quantity, should be sent with the first parcel; and to identify the remainder, if shipped within a time to be limited, new certificates should be granted by the principal officers of the ports in Ireland, extracted from a register of the original documents, specifying the quantities before shipped from thence, by what vessels, and to what ports.

8. "That it is essential, for carrying into effect the present settlement, that all goods exported from Ireland to the British colonies in the West Indies, or in America, or to the British settlements on the coast of Africa, or to the countries beyond the Cape of Good Hope to the Straits of Magellan, should from time to time be made liable to such duties and drawbacks, and put under such regulations, as may be necessary, in order that the same may not be exported with less incumbrance of duties or impositions than the like goods shall be burthened with when exported from Great Britain.

9. "That it is essential to the general commercial interests of the empire, that, so long as the parliament of this kingdom

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shall think it advisable that the commerce to the countries beyond the Cape of Good Hope to the Straits of Magellan, shall be carried on solely by an exclusive Company, having liberty to import into the port of London only, no goods of the growth, produce, or manufacture of the said countries should be allowed to be imported into Ireland but through Great Britain; except dye stuffs, drugs, cotton or other wool, and spiceries, which may be imported into Ireland from foreign European countries, so long as the same are importable from foreign European countries into Great Britain: and that it shall be lawful to export such goods of the growth, produce, or manufacture of any of the countries beyond the Cape of Good Hope to the Straits of Magellan, from Great Britain to Ireland, with the same duties retained thereon as are now retained on their being exported to that kingdom, but that an account shall be kept of the duties retained and not drawn back on the said goods exported to Ireland, and that the amount thereof shall be remitted, by the receiver-general of his Majesty's customs in Great Britain, to the proper officer of the revenue in Ireland, to be placed to the account of his Majesty's revenue there, subject to the disposal of the parliament of that kingdom; and that the ships going from Great Britain to any of the said countries beyond the Cape of Good Hope to the Straits of Magellan, should not be restrained from touching at any of the ports in Ireland, and taking on board there any of the goods of the growth, produce, or manufacture of that kingdom; and that no ships be allowed to clear out from Ireland for any of the said countries, but such ships as shall be freighted by the said Company, and which shall have sailed from the port of London: and that, whenever the commerce to the said countries shall cease to be so carried on solely by such an exclusive Company, the goods, the growth, produce, or manufacture of the said countries beyond the Cape of Good Hope to the Straits of Magellan, should be importable into Ireland from the British or foreign settlements in the East Indies, subject to the same duties and regulations as the like goods from time to time shall be subject to on importation into Great Britain; and if prohibited to be imported into Great Britain, should in like manner be prohibited from being imported into Ireland.

10. "That no prohibition should exist, in either country, against the importation, use, or sale of any article, the growth, produce, or manufacture of the other, except such as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits; and except such qualified prohibitions, at present contained in any act of the British or Irish parliaments, as do not absolutely prevent the importation of goods, or manufactures, or materials of manufactures, but only regulate the weight, the size, the packages, or other particular circumstances, or prescribe the built or country, and dimensions of the ships importing the same; and also except on ammunition, arms, gunpowder, and other utensils of war, importable only by virtue of his Majesty's licence; and that the duty on the importation of every such article (if subject to duty in either country) should be precisely the same in the one country as in the other, except where an addition may be necessary in either country, in consequence of an internal duty, on any such article of its own consumption, or an internal bounty in the country where such article is grown, produced, or manufactured; and except such duties as either kingdom may judge expedient, from time to time, upon corn, meal, malt, flour, and biscuits.

11. "That, in all cases in which the duties on articles of the growth, produce, or manufacture of either country are different, on the importation into the other, it is expedient that they should be reduced, in the kingdom in which they are the highest, to an amount not exceeding the duties which were payable in the other on the 17th day of May 1782, so that in every case in which any article was charged with a duty, on importation into Ireland, of $10\frac{1}{2}$ per cent. or upwards, on the 17th day of May 1782, the amount of the duties so reduced shall not be less than the said duty of $10\frac{1}{2}$ per cent., unless in cases where any articles are importable duty-free into either kingdom from the other, which articles shall hereafter be imported duty-free into each from the other respectively; and that all such articles should be exportable, from the kingdom into which they shall be imported, as free from duties as the similar commodities of home manufacture of the same kingdom: provided always, That when any such articles shall be liable, in either country, to any duty on being ex-

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ported to any foreign country, the same articles, when re-exported from either of the said kingdoms into which they shall have been so imported as aforesaid, shall pay the like duties as if they had been originally exported from the kingdom of their growth, produce, or manufacture, to such foreign country.

12. "That it is also proper, that, in all cases in which the articles of the consumption of either kingdom shall be charged with an internal duty on the manufacture, such manufacture, when imported from the other, may be charged with a farther duty on importation adequate to countervail the internal duty on the manufacture, such farther duty to continue so long only as the internal consumption shall be charged with the duty or duties to balance which it shall be imposed, provided that the countervailing duty, to be paid upon manufactured salt imported into any part of Great Britain, shall be computed upon the internal duty payable thereon in England; and that, where there is a duty on the raw material of any manufacture in either kingdom, such manufacture may, on its importation into the said kingdom from the other, be charged with such a countervailing duty as may be sufficient to subject the same to burthens adequate to those which such manufacture is subject to in consequence of such duties on such raw material, in the kingdom into which such manufacture is so to be imported; and that the said manufactures so imported shall be entitled to such drawbacks or bounties on exportation as may leave the same subject to no heavier burthen than the home-made manufacture; and that, in every case where a duty shall be payable in either kingdom on any article carried coastwise from one port to another of the said kingdom, the same article, when imported from the other kingdom, should be subject to the like duty.

13. "That, in order to give permanency to the settlement now intended to be established, it is necessary that no new or additional duties should be hereafter imposed, in either kingdom, on the importation of any article of the growth, produce, or manufacture of the other, except such additional duties as may be requisite to balance duties on internal consumption, pursuant to the foregoing resolution, or in consequence of bounties remaining on such article when exported from the other kingdom.

14. "That, for the same purpose, it is necessary, farther, that no new prohibition, or new or additional duties, should be hereafter imposed, in either kingdom, on the exportation of any article of native growth, produce, or manufacture, from the one kingdom to the other, except such as either kingdom may deem expedient, from time to time, upon corn, meal, malt, flour, and biscuits: provided, that when any article of the growth, produce, or manufacture of either kingdom, shall be prohibited by the laws of the said kingdom to be exported to foreign countries, the same article, when exported to the other kingdom, shall be prohibited to be re-exported from thence to any foreign countries.

15. "That, for the same purpose, it is necessary, that no bounties whatsoever should be paid or payable, in either kingdom, on the exportation of any article to the other, except such as relate to corn, meal, malt, flour, and biscuits, and except also the bounties at present given by Great Britain on beer, and spirits distilled from corn, and such as are in the nature of drawbacks or compensations for duties paid; and that no bounties should be payable in Ireland on the exportation of any article to any British colonies or plantations, or to the British settlements on the coast of Africa, or on the exportation of any article imported from the British plantations, or from the British settlements on the coast of Africa, or British settlements in the East Indies, or any manufacture made of such article, unless in cases where a similar bounty is payable in Great Britain on exportation from thence, or where such bounty is merely in the nature of a drawback or compensation of or for duties paid, over and above any duties paid thereon in Great Britain; and that, where any internal bounty shall be given in either kingdom, on any goods manufactured therein, and shall remain on such goods when exported, a countervailing duty adequate thereto may be laid upon the importation of the said goods into the other kingdom.

16. "That it is expedient, for the general benefit of the British empire, that the importation of articles from foreign countries should be regulated, from time to time, in each kingdom, on such terms as may effectually favour the importation of similar articles of the growth, produce, or manufacture of the other; except in the case of materials of manufacture, which are, or hereafter may be allowed to be imported from foreign countries duty-free;

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and that, in all cases where any articles are or may be subject to higher duties on importation into this kingdom, from the countries belonging to any of the states of North America, than the like goods are or may be subject to when imported as the growth, produce, or manufacture of the British colonies and plantations, or as the produce of the fisheries carried on by British subjects, such articles shall be subject to the same duties on importation into Ireland, from the countries belonging to any of the states of North America, as the same are or may be subject to on importation from the said countries into this kingdom.

17. "That it is expedient, that such privileges of printing and vending books, engraving prints, maps, charts, and plans, as are or may be legally possessed within Great Britain, under the grant of the Crown or otherwise, and that the copyrights of the authors and booksellers, the engraved property of engravers, print and map-sellers, of Great Britain, should continue to be protected in the manner they are at present by the laws of Great Britain; and that it is just that measures should be taken, by the parliament of Ireland, for giving the like protection to the copyrights of authors and booksellers, and to the engraved property of the engravers, print and map-sellers of that kingdom.

18. "That it is expedient that such exclusive rights and privileges, arising from new inventions, as are now legally possessed within Great Britain, under letters patent from the Crown, shall continue to be protected in the manner they are at present by the laws of Great Britain; and that it is just that measures should be taken by the parliament of Ireland, for giving the like protection to similar rights and privileges in that kingdom; and also, that it is expedient that regulations should be adopted, with respect to letters patent hereafter to be granted in the case of new inventions, so that the rights, privileges, and restrictions, therein granted and contained, shall be of equal force and duration throughout both kingdoms.

19. "That it is expedient, that measures should be taken to prevent disputes touching the exercise of the right of the inhabitants of each kingdom to fish on the coasts of any part of the British dominions.

20. "That the appropriation of whatever sum the gross hereditary revenue of the kingdom of Ireland (the due collection thereof being secured by permanent provisions) shall produce, after deducting all drawbacks, repayments, or bounties, granted in the nature of drawbacks, over and above the sum of 656,000*l.* in each year, towards the support of the naval force of the empire, to be applied in such manner as the parliament of Ireland shall direct, by an act to be passed for that purpose, will be a satisfactory provision, proportioned to the growing prosperity of that kingdom, towards defraying, in time of peace, the necessary expenses of protecting the trade and general interests of the empire."

Debate in the Commons on the Address upon presenting the Irish Commercial Resolutions to his Majesty.] Mr. *Pitt* said, after the long and repeated discussions that the Resolutions had undergone in that House, it would not be necessary for him to trouble gentlemen on the subject. If in the course of the debate any thing should be said that might call for explanation, he flattered himself he should be permitted to speak to it; he would therefore content himself for the present with moving,

"That the foregoing Resolutions be laid before his Majesty, with an humble Address, assuring his Majesty, that his faithful Commons have taken into their most serious consideration the important subject of the commercial intercourse between Great Britain and Ireland, recommended in his Majesty's Speech at the opening of the present session, and the resolutions of the two Houses of Parliament in Ireland, which were laid before us, by his Majesty's command, on the 22d day of February last:

"That, after a long and careful investigation of the various questions necessarily arising out of this comprehensive subject, we have come to the several Resolutions which we now humbly present to his Majesty, and which, we trust, will form the basis of an advantageous and permanent commercial settlement between his Majesty's kingdoms of Great Britain and Ireland:

"That we have proceeded on the foundation of the resolutions of the parliament of Ireland: but, in considering so extensive an arrangement, we have found it necessary to introduce some modifications and exceptions, and we have added such regulations and conditions, as appeared to us indispensably necessary for establishing

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the proposed agreement on just and equitable principles, and for securing to both countries those commercial advantages, to an equal enjoyment of which they are in future to be entitled:

"That his Majesty's subjects in Ireland, being secured in a full and lasting participation of the trade of the British colonies, must, we are persuaded, acknowledge the justice of their continuing to enjoy it on the same terms with his Majesty's subjects in Great Britain:

"And it is, we conceive, equally manifest, that, as the ships and mariners of Ireland are to continue, in all time to come, to enjoy the same privileges with those of Great Britain, the same provisions should be adopted in Ireland as may be found necessary in this country, for securing those advantages exclusively to the subjects of the empire: this object is essentially connected with the maritime strength of his Majesty's dominions, and consequently with the safety and prosperity both of Great Britain and Ireland:

"We therefore deem it indispensable that these points should be secured, as conditions necessary to the existence and duration of the agreement between the two countries: they can only be carried into effect by laws to be passed in the parliament of Ireland, which is alone competent to bind his Majesty's subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own:

"It remains for the parliament of Ireland to judge, according to their wisdom and discretion, of these conditions, as well as of every other part of the settlement proposed to be established by mutual consent:

"Our purpose in these Resolutions is, to promote alike the commercial interests of his Majesty's subjects in both countries: and we are persuaded, that the common prosperity of the two kingdoms will be thereby greatly advanced: the subjects of each will in future apply themselves to those branches of commerce which they can exercise with most advantage, and the wealth, so diffused through every part, will operate as a general benefit to the whole:

"We have thus far performed our part in this important business, and we trust, that, in the whole of its progress, reciprocal interests and mutual affection will insure that spirit of union so essentially necessary to the great end which the two countries have equally in view:

"In this persuasion we look forward with confidence to the final completion of a measure which, while it tends to perpetuate harmony and friendship between the two kingdoms, must, by augmenting their resources, uniting their efforts, and consolidating their strength, afford his Majesty the surest means of establishing, on a lasting foundation, the safety, prosperity, and glory of the empire."

Lord *Beauchamp* declared, he could not give his assent to the proposed Address, because it bestowed praise on ministers to which he did not think them entitled, either from the wisdom of the measure itself, or from the discretion with which it had been conducted; and that he doubted the propriety of addressing the Crown at all until we knew the fate of our propositions in the sister kingdom. He observed, that the Irish parliament stood in an awkward predicament; they had adopted a system, concluding it to be final; they had thanked his Majesty for it; and they now had the mortification to see it almost totally changed by the nation for which it was intended; and he cautioned the House against risking a similar humiliation. He said, that the Address was in fact a manifesto addressed to the British manufacturers on one side, and to the Irish nation on the other, to calm the apprehensions of both: that it was unusual for parliament to enter into such a justification of their measures; and the pains taken to remove objections, betray a consciousness that they are well founded; that, however, the good sense of both kingdoms will attend to the real merits of the question, abstracted from all party colouring. The noble lord said, he thought the Address was objectionable in another light, as it held out the propositions as the ultimatum of this kingdom, to which we were at all events determined to adhere: such language had, indeed, been held in every stage of the business, and yet we had substantially altered it in each, and, perhaps, if we are to judge of the future by the past, we may still be far removed from the point of union on which both nations may be disposed to sign and seal for ever. He said, that if the assurance held out by the Address of lasting harmony between the two kingdoms, as the sure consequence of this system, was well founded, the safety of this manufacture, or of that branch of trade, was a very inferior consideration; that it was natural, however, to consider how far facts supported this assertion;

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and he appealed to the experience of the House, whether, on any former occasion, such a numerous and respectable body of manufacturers had ever appeared at the bar of the two Houses. That what they have asserted here, they have confirmed on oath in another place; and they persevere in their original opposition, notwithstanding all the changes which this system has received. He said, that it was unjust to charge the representatives of that interest with illiberal feelings in regard to Ireland, because, burthened as they are, they must naturally be jealous of every innovation; especially when introduced in such dark and oracular theorisms of trade, that even members of this House were so puzzled with them, as to declare that they supported the system, not because they understood it, but because they placed an unbounded confidence in the minister who proposed it. If, indeed, the only object we have in view is to reduce the port-duties of the two kingdoms nearer to an equality, that object may be gradually attained without convulsing both by one violent experiment; and the British manufacturers would be too liberal to object to it in those instances, when genuine equality would be the result. But he said the policy of adopting one large specious measure to assimilate, at a stroke, the situation of two countries differing in every circumstance, was preferred to the obsolete wisdom of applying a remedy as the case might happen to require it. If it is objected, that on a great political question of uniting two kingdoms the wishes of manufacturers are not to determine the conduct of the Legislature, the answer is, that if appearances are to be trusted, no such union is likely to arise out of the present measures. Will any gentleman assert that the inhabitants of Dublin are now waiting, with outstretched arms, in eager expectation of the boon and blessing which we have prepared for them? The very contrary is the fact; if Great Britain wishes for delay, Ireland appears unequivocally to wish also for delay; the hasty ratification of this treaty is deprecated with equal anxiety by both; many Irish counties, and great commercial cities, have already spoken out; many others might have done the same; but a general expectation has prevailed, and, perhaps, at this hour, is scarcely extinguished, that the system will, in some stage or other, be again accommodated to their wishes. He said, that it was a very weak mode of reasoning, which infers, that both kingdoms cannot have cause to complain, and what is lost by one must be acquired by the other. In different points of view it may be disadvantageous to both; it may crush the infant manufactory of Ireland in the first instance, and ultimately tend to the removal of those of Great Britain. Should any leakage happen from it in our revenue, Ireland would receive a slender compensation for her share of the calamity by the increase of her exports; or should the laws of navigation be less faithfully administered, a part of the carrying trade, and of our naval strength may be transferred, not from one kingdom to the other, but to the natural rivals of both: besides, this is a complex arrangement, consisting of politics as well as commerce; Ireland may complain in the one instance, and Great Britain feel herself aggrieved in the other. If this is the case in any degree, why should we obtrude upon both kingdoms what is grudgingly given by the one, and reluctantly accepted by the other? Will the bonds of affection be strengthened by fixing them into this political marriage, as it has been called? The disgust of one party is sufficient to embitter that state; will the disinclination of both improve the prospect of future happiness?

He farther said, that this measure had been vindicated, on a supposed determination in the Irish parliament to lay protecting duties, of which four instances have been produced in the Report of the privy council, who were directed, after the measure was opened in Ireland, to find out the best reasons on which it might be justified here. That in none of these could he trace any spirit of hostility to the trade of Great Britain. The case of beer was simply this: the inland excise having been augmented, it became necessary to raise the port duty, that foreign beer might not have a new advantage over the home-made beer in the Irish market. The duty on wire is equally inconclusive to the purpose for which it is adduced; it was pointed against the importation of a Dutch, not an English commodity, and as it lasted only a year, if it proves any thing, it proves the direct reverse of what the privy council have endeavoured to convey. The case of muslins and calicoes is only the application of an old law of Charles 2; and the increase of duty upon imported sugars arose from the different principles on which the drawback of our last duty was calculated, of which the Irish parliament made

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the application, and fixed their port-duty accordingly. But the noble lord said, that though two or three straggling instances might be found in the Irish statute book of protecting duties, they would not justify the broad averment of the privy council: that either a system of prohibiting duties on British manufactures must be expected, or the present measure adopted to prevent them. He said he saw no necessity for either, especially as in the case of woollens, the Irish parliament have recently disclaimed the principle; and, indeed, the whole history of their rates is a proof that they have carried their commercial preference for Great Britain to as great a length as one country can expect from another. He said, that to him, therefore, the system seemed to have begun in a mistake, and that the progress of it had exactly corresponded with the beginning. The grant of the British market was opened without the knowledge or participation of the grantors, whose consent was stipulated for as a thing of course. The country gentlemen of Ireland were as little in the secret as the members of this House. From the rapidity with which it proceeded, it appeared more like the offer of one minister to another than as a negociation between two independent legislatures; and the smallest delay was objected to in the indecent suggestion, that it would give time to the British manufacturers to collect their force, and, perhaps, oppose it with effect. National settlements can only be permanent where the precise nature and extent of them is fully understood. Were the matter of the present treaty unexceptionable, the manner in which it had been conducted could not fail to give offence. In every stage it has been called a permanent arrangement; yet, in every part of its progress, it has been materially altered, and it still retains the name, though scarcely a vestige remains of the original plan. Indeed, the two kingdoms have proceeded on parallel lines, without a possibility of meeting, until the one or the other shall abandon the principles on which it has professed to act. Perhaps commercial concerns are of too fluctuating a nature to rest on any other foundation than the acts of the two legislatures, which will continue as long as they find their mutual interest in observing them; whereas the present plan aims at a higher sanction, by making the whole cease on the failure of a single article. Were any of the bad consequences which have been predicted actually to happen, how little would such a declaration of permanency be adhered to, as each kingdom would be forced, by the law of self-preservation, to a breach of the treaty. But he said he differed with those great authorities who prefer this arrangement to the union of Scotland, because the articles of it may be revised; for to what does such a mode of reasoning tend, but to give the more powerful nation a claim to hold the weaker to her stipulations, whilst she may explain away those parts of the treaty which she finds inconvenient to herself? He farther said that reciprocity is not the basis of this treaty. It may be urged to be fair to both kingdoms on the final balance; but it is improper to apply to it the terms of a full participation of commercial advantages as conferred upon Ireland, because they are more comprehensive than the subsequent resolutions will warrant. For instance, will the two kingdoms be on a footing, in regard to the exportation of raw materials to each other? By the 7th resolution, as transmitted from Ireland, no prohibitions could be laid by either, except to countervail an existing prohibition in the other kingdom. The last clause is now omitted, and consequently all the British prohibitions on wool and fuller's earth are perpetuated; while the bay yarn, linen yarn, and raw hides from Ireland are secured to the British market for ever. With regard to beer and spirits, the reciprocity is also laid aside; for to what purpose are the bounties on those articles reserved, unless to give a decided superiority against the brewery and distillery of Ireland? If Ireland is to countervail those bounties, it is only a sacrifice of so much of the British revenue. He farther said, that the 11th and 12th propositions were liable to the same observation, and if carried into full execution, which it cannot be doubted they will be under the apprehensions of our manufacturers, the Irish merchandize will, in many instances, by their joint operation, become chargeable with duties beyond what are at present paid, and, in many others, be subjected to virtual prohibitions. He also observed, that the subjecting all future intercourse between the two kingdoms to the coast regulations of a bond and cocket, will be found burthensome and expensive, as well as contrary to the express desire of the Irish parliament, to extend as much as possible, and facilitate the means of future intercourse; and that it is very strange to find a scheme

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of reciprocal restriction built on such a foundation. As to the 7th resolution, he said, it is at open variance with the 3rd, which expressly states, "that the import of colonial goods shall be made into each kingdom from the other reciprocally, under the same regulations;" whereas the restraints imposed by the 7th affect Ireland only, and do not purport to extend to Great Britain. In regard to the linen trade, which Great Britain has stipulated in a former reign to encourage in Ireland, it does not appear to derive any new security from these propositions, or, indeed, to require any, as her present policy is founded in the wisest views of the subject for her own interest. By suffering Irish linens to come here free from duty, we secure the best materials for our own printing trade; and by granting a bounty on their export, we insure to the factors of London the commission, and other advantages of sending them to every part of the world. And he said, he hoped this system was not intended to be altered under the power reserved of countervailing the Irish bounty on flax seed, and the premiums of the Dublin Society, by the 13th and 15th resolutions.

The noble lord farther observed, in relation to the East Indies, that the 9th resolution tends to put the subjects of the two kingdoms in very different situations, in case Great Britain should ever lay that commerce open: it is improbable that such a case will happen, as all the European nations which carry on a trade to the East, have found it advisable to do it through the medium of a company; and therefore it does not seem very necessary just now to bind Ireland to any conditions on such a contingency taking place, especially as the Irish parliament, by not touching on the subject in their original propositions, have plainly indicated their unwillingness to enter upon it. With regard to the East-India trade during the subsistence of the present charter, it is held, that the Irish are equally comprehended with the subjects of Great Britain, in the restraint against trading between the Straits of Magellan and the Cape of Good Hope; but upon the expiration of the charter they will be at liberty to purchase East-India goods wherever they please, and consequently have a very valuable subject in their hands to treat upon: the Irish parliament will then, no doubt, shew every fair attention to the views and interest of Great Britain. But what a sacrifice are they, under this resolution, called upon to make? to renounce all intercourse for ever with one half of the globe. How many new sources of trade may be discovered within these extensive limits, of which we debar them the use for ever by the stroke of a pen, without any rational motive for excluding our fellow-subjects from a chance in that commercial lottery which is open to every other people upon earth! To a nation with so small a capital, and so very inconsiderable a stock of shipping, such a speculation would probably prove very mischievous under her present circumstances: but those circumstances may hereafter so far change, as to make Ireland regret the having assented to so severe and so uncalled-for a restriction, as the present resolution purports to impose; and the price held out to her as a temptation to submit to it, is founded on absolute deception, as no India ships will ever be suffered by the Company to go out of their course, and possibly lose their passage, to touch in the Irish ports. The Company do not victual their own ships, but employ contractors to do so, who furnish them with English provisions; and if Irish linens, or other articles are wanted for private trade, they may be had in England as cheap as in Ireland, and consequently no alteration is to be expected in the usual course, which the outward-bound Indiamen have hitherto taken. In the case of the Indian commerce being laid open, the House of Commons had suggested to Ireland their wishes, that the East-India importations might be made from the same countries as those of Great Britain; but the amendment of the Lords, by confining the Irish to receive them from foreign or British settlements in the East Indies, will prevent their importations of tea, or other East-India goods, in every possible case, from any nation in Europe, which parliament have often found it necessary to admit, and therefore will make a great eventual difference in the situation of the two kingdoms. As it subjects Ireland also to similar duties with Great Britain, it is liable to the same objection, as many other articles of the treaty, of proposing to legislate for Ireland; and particularly, if this kingdom should think fit to revive the high duties on tea, it will be found to be a very oppressive application of the doctrine contained in the 4th and 5th resolutions; to which the noble lord said, he had already objected, but would shortly re-state his ob-

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jections to the House. He never had considered them as forcibly resuming the right to legislate for Ireland. It is an attempt to recover a large share of that right, by negociation with the parliament of Ireland. The 4th resolution proposes to Ireland, to bind her public faith to adopt such laws as have previously been passed in the British parliament, provided they answer to the description given in the resolution: the policy of these laws can never be entered into by Ireland; the only subject on which she can deliberate is, whether they purport to confer equal benefits and impose equal restraints, in which case the treaty must of necessity attach upon them. For his part, he considered this proposal as impolitic as unnecessary, because Ireland has recognized in the preamble to one of her statutes, the propriety of having similar laws of trade and navigation. An independent country cannot give a stronger security; for if she is not to exercise her judgment on each separate proposition as it is tendered to her, how can her legislature be said to be free? Besides, the words 'mutual benefit,' and 'mutual restraint,' give no security; for a regulation of commerce, purporting to be equal, may be advantageous to a rich country, and ruinous to a poor one, and the purview of the resolution has a wide range; it is not confined to the simple case of securing exclusive privileges to British and Irish shipping, but includes every possible regulation of trade, even in those instances where the sanctions are internal, and must depend for their execution on Irish courts and on Irish juries. He said, that he saw no middle term between the perfect independence of Ireland, and the incorporation of her legislature into this; and that a union appeared to him to be less exceptionable, even on Irish principles, than the mutilation of her powers in the manner proposed; as, in the one case, she must retain a large share of influence in the councils of the empire; in the other, her consent is as a matter of course. She may indeed reject it; but if she accepts this resolution, she stipulates never to reject what we may think fit to require.

He farther observed, that a similarity of duties makes a part of this arrangement, and that the exports, as well as imports of Ireland from the West Indies, and even the United States, though they now form a branch of the foreign trade of Ireland, are to be loaded with the same burthens as those of Great Britain. Can Ireland ever hope for a West India trade on this footing? She has a small stock of shipping, small capital; and the long-established correspondences of Great Britain, to prevent her making large importations, but for her own consumption. Why should we wish to put her in a worse situation than she now stands in, by taking from her the option of importing through Great Britain, at the low duties, which now depends solely on herself? Under this arrangement we assume the power of fixing at our pleasure the amount to be paid on the most productive branches of the Irish revenue, and of perpetuating her additional duties, which now depends on the free-will of her parliament, and on which their security for frequent sessions principally rests. Suppose that we should take off the drawback on the salted provisions exported from hence to the West Indies, on the principle, that the tax will fall only on the consumption of our own islands: Ireland, notoriously in the possession of that trade, must impose a corresponding burthen on her beef and butter, or declare the treaty to be at an end. As to her imports, it is unnecessary to prove that she cannot bear the British duties, and the probable increase of them on rum and sugar. The part of the globe to which Ireland naturally looks for a vent of her produce, and the extension of her commerce, is America; but under the 16th resolution, we assume the control over her exports to that continent, by the power of regulating her import duties on every article which is, or may hereafter be produced in the West India islands, comprehending rum, tobacco, and various materials of manufacture. Under such a system of uncertainty on one side, and restriction on the other, without the power of granting a bounty on her infant manufactures but by the consent of Great Britain, will not Ireland lose all encouragement to embark in new speculations of commerce, and soon become sensible that her situation, instead of being improved, is rendered worse by the grant of a West India trade, on account of the many various conditions with which it is accompanied?

The noble lord said he had always regretted that the 20th resolution made any part of the proposed treaty, as it embarrassed both countries in the commercial adjustment; and the smallness of the object made it of no moment, except to those

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who wish to abuse former settlements with Ireland, because no such grant was annexed to them. He said that only two methods occurred of treating with Ireland; the one is to trust to her known generosity and friendship, the other is to make a close bargain which she cannot set aside. In the present instance we have done neither, but have adopted a middle course: we struggle pertinaciously for a bond, though that bond only implies distrust, and confers no security whatever. Would any man of sense act in a private transaction on the same principle which we here recommend to the adoption of the legislature? We fall at the same time into another inconsistency; we abandon the principle as soon as we have established it; and after exacting a very limited assistance from Ireland in time of peace, we trust entirely to her generosity in time of war, when we want assistance much more. In other words, we invert every rule of policy, and act most ungraciously towards one kingdom for no purpose but to delude the other, with the expectation of a revenue which we know can never be realized. The noble lord said, that in another view he disapproved the present resolution; if any claim subsists on the part of the Crown to the disposal of this surplus, or if the revenue in question is already appropriated to public uses, what pretensions have we to interpose for the purpose of determining an unsettled point in the constitution of Ireland? Can the question of right ever come before us, or can we take upon ourselves to decide what is or is not inherent in the Crown of Ireland? We last year, without either message or recommendation from his Majesty, thought fit to make a new appropriation of estates actually vested in the Crown, of which he legally had no knowledge till it was tendered for his royal assent. Let us not extend the principle of that duress upon the Crown to a case so singularly circumstanced, and so beset with constitutional difficulties as the present.

He farther said that the question had been argued upon grounds which the history of the hereditary revenue, and the accounts upon the table, flatly contradict. Upon what facts does the revenue appear to be the barometer of the public prosperity of Ireland? When that kingdom has been the poorest, the flow into that revenue has been unusually high. Since the peace of Paris, it cannot be denied that Ireland has gradually increased in opulence and in commerce; yet, upon every medium of seven years, since that period to the present, instead of growing with her growth, and increasing in proportion to her wealth, it has actually declined. Even the freedom given to her trade has produced no favourable variation in this branch of her revenue: but, whether the produce of it be considerable or not, it depends solely on the future pleasure of the Irish parliament, whether any benefit shall arise from it to the general purposes of the empire; as, if they repent of the grant, they can make a proportionate reduction in their army to countervail their payments to the navy; or if that measure should appear undesirable, as a productive year is usually followed by an unproductive one, they can so arrange the payments into the Exchequer, as to prevent an exceeding on the account of one year. Yet to get at this miserable pittance of revenue, what rule of propriety have we not infringed? In the first place, we have altered the original terms of a grant of money from Ireland; the tenth resolution as transmitted to us was not coupled with the others, as the price at which she was to purchase an enlargement of her trade; the idea was cautiously avoided, and it was tendered as a gratuitous gift. It provided, at the same time, for the economy of her own government, as administered by British ministers, and purported to equalize the expenditure of Ireland with her revenue, which was followed by new duties to the amount of 140,000*l.* a year. Of this we have thought fit to take no notice whatever, and have proceeded, on the supposition of this grant, though we have rejected the condition which was stated as essential to it; and we now require a perpetual bill of regulation to secure its collection. The noble lord said he had many objections to this, on British as well as Irish grounds; if the participation of the British market was a wrong concession, no sum of money ought to tempt us of part with it. If it is right in itself, we shall be abundantly rewarded by the increase of Irish prosperity, and shall be very sure of the liberal contributions to the general purposes of the empire; but the acceptance of this surplus may be considered as a final price, and give a check to that generosity, as well as bar the equity of all future expectations.

The noble lord said, that he held himself justified in stating these objections, because, strange as it is, the matters im-

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mediately affecting Ireland have not yet been submitted to her parliament, and therefore every British member is to judge whether the terms in question are fit to be offered to an independent kingdom or not. He said he had not touched on the supposed compensation to Ireland for all the real sacrifices he had mentioned, by the privilege of sending her manufactures to this market, because, under the condition annexed to the privilege, the Irish do not believe in the efficacy of the compensation, while the British manufacturers regard it with horror. The condition is couched in terms so perplexed and obscure, that we shall retain the power of expounding them hereafter as we please. The Irish proposal to add the amount of the duty of excise, upon the material of the manufacture to the port duty, is a simple idea, and admits of an easy calculation. From that idea we have departed, and under the 12th resolution we retain the right to add so much to both as may subject the manufactures of Ireland on importation to burthens adequate to those of Great Britain. In the first place it may be asked, why this idea was never communicated to the parliament of Ireland, as plain dealing is the best policy, and they ought to have known the whole of what we intended. The answer may possibly be, that it never was thought of; but the consequence clearly is, that Ireland will make palpable sacrifices of her interest, which cannot afterwards be explained away, to purchase problematical advantages, depending on such a latitude of interpretation, that though she finds herself balked in every expectation, she cannot fix upon any breach of the engagement. What is the precise meaning of a duty adequate to countervail the burthens imposed on a manufacture? Is the diminution of capital occasioned by the advanced duty in the early stage of it to be comprehended, or the secondary articles of coal, oil, iron, soap, &c. which make a part of almost every manufacture? The difficulty is to fix the data on which to begin the calculation. When the data are settled, computers may include the minutest objects. The manufacturers of glass and of leather have told us, that the difficulties are insurmountahle in their branches of business. Their reasons are in every body's hands, and it is unnecessary to repeat them. It forms a strong presumption in favour of their judgment, that the system in question has never been tried, and therefore its operation must be conjectural. It applies not only to every possible branch of intercourse between the two kingdoms, but to every separate article in each, to be grounded on a distinct principle of calculation. The countervailing duty, which applies to a pair of Irish shoes, will not assist the calculation with regard to an Irish saddle. One observation applies to every case: if it is placed too low, it will give no security to our manufacturers; if it is placed too high, we shall keep no faith with Ireland. To ascertain the medium, is a matter of infinite difficulty, and endless controversy must be the result: but supposing it once fixed in every article that can pass between the two kingdoms, the embarrassment is only removed for a time; new taxes will call for new countervailing duties, and no rate is established at which the progression is to go on. How is that to be fixed? The signature of the treaty is not, as in the case of ordinary contracts, the term, but the commencement of disputes. What one parliament says is a sufficient countervailing duty in a given case, the other may happen to deny; the merchants and manufacturers on each side will interfere, the pride of competition will join itself to the rivalship of interest. The letter of the treaty will be appealed to by one party, and the spirit of it by the other. The multitude in both kingdoms will catch the flame; between equal and co-ordinate bodies who is to arbitrate, lest a single embarrassment should arise about a protecting duty laid in Ireland?—you will plunge into ten thousand errors, by adopting a system of countervailing duties unknown and unpractised—you provoke and encourage difficulties, on the vain expectation of shewing your wisdom in removing them. Whoever remembers the agitation of men's minds in Ireland on the subject of the sugar duties, may form some conjecture of the consequences to be expected if this system takes place.—Upon the whole, are we warranted to change the commercial situation of both kingdoms, on the scanty information, or on the vague suggestions which have been submitted to us? Shall we strike a blow in the dark, so irremediable in its consequences, as this system is described to be by those who are to be the most affected by it? If we are not sure that it is right, it becomes both kingdoms to ponder and deliberate: delay has pointed out many errors, and those errors have been corrected; the

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same, or perhaps more advantage may be derived from farther deliberation; and, therefore, he could not agree to the Address.

Mr. *Jenkinson* said, he was surprised to hear the noble lord say, that the original propositions from Ireland, had been rejected. The fact was directly the reverse. They had not been rejected, but had been voted in the shape of resolutions, that had been modified and amended, as the wisdom of the two Houses of the Parliament of Great Britain, had thought the safety of their revenue, and the preservation of their manufactures, required; and the House was at that moment in the act of preparing to send those resolutions to Ireland, in order to submit them, so amended, to the parliament of that kingdom. The noble lord also had denied, that any proof had been given of there being any necessity of coming to a system of commercial arrangement with Ireland, and had contended, that no such necessity existed. In answer to this, he should think it sufficient to refer the noble lord to the state of the two countries, as an ample proof of the necessity, had he no better authority to advert to; but he was furnished with the best authority, the authority of that House; and here, he must again refer to the resolution of May 17, 1782, wherein it was declared, "That it was indispensable to the interest and happiness of both kingdoms, that the connexion between them should be established, by mutual consent, upon a solid and permanent footing." He was aware that the right hon. gentleman opposite to him (Mr. Fox) had asserted, that the resolution had no reference to a commercial arrangement, and that it related merely to a political one. He never, he declared, attended to hear what was said in another place; but he had read in a newspaper, that a great authority, who had sat in the Cabinet when that resolution had been moved, had declared it did mean a commercial arrangement. For his part, he could not think it possible for those who framed the resolution, to have had any arrangement in their contemplation, but a commercial one; and if it did not mean that, he wished the authors of it would have been so good as to have declared what it did mean. Exclusive of that resolution, however, the parliament of Ireland had called for such an arrangement more than once, and had imposed protecting duties, as stated in the different instances of wire, beer, and refined sugars, mentioned in the report of the committee of privy council; in regard to every one of which the noble lord's argument had been totally ill-founded, and his deductions had consequently been erroneous and false.

He proceeded to discuss the other arguments of the noble lord, and to reason upon what was the wisest method of carrying into effect a plan of arrangement with Ireland, such as should meet that necessity, which he had proved to exist. There were, he said, but two modes of doing this, that he had ever heard or read of. The one was, by taking off all duties, and thus enabling both countries to carry on a free commercial intercourse. The other, by imposing mutual moderate duties. To the first of the two, he owned he was the more inclined to lean, as that which was the most fit to exist between two sister kingdoms with one common sovereign at the head of both of them, but with independent legislatures. When any man turned his attention to the state of Great Britain and of Ireland, and considered the situation of our manufactures, the sums their institution had cost, the taxes the manufacturers had paid, the revenue derived from them, and the critical condition of our national affairs, he would see that a free intercourse could not be afforded by the country. Having stated this, he reasoned on the other mode, that of regulating the trade between Great Britain and Ireland by moderate and mutual duties. This, he said, was adopted in the present plan, and thus a duty of $10\frac{1}{2}$ per cent. had been the given quantum of duty. He reasoned upon the good end and aim of such a duty, and upon its different effects in different cases. He instanced the duty on foreign iron as one reason out of many that might be adduced to shew, that it was impossible for this country to open an intercourse with Ireland free of all duty. Foreign iron, he said, paid so high a duty, in order to protect our own raw material, and to give British iron a chance of consumption. The policy was certainly a wise one, and therefore it was not expedient to drop it. He treated farther on the subject of the manufactures of Great Britain, and said, he thought the manufacturers that had been examined, were men of respectable characters, and that they had acted very laudably in the zeal they had manifested on the occasion, and the anxiety and alarm they had expressed, lest their manufactures should be injured

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by the operation and effect of the resolutions; but inclined as he was to think well of their conduct, that House as a legislative body, with a capital and an important consideration before them, in which the political and the commercial interests of the empire were blended and deeply involved, ought to act with an equal degree of firmness and caution; they ought to be directed by their own judgments, formed upon a view of the whole of the case, without giving up their opinions to others, and either blindly relying on the prejudices of manufacturers, naturally addicted to look at that side of the question only that most concerned their own individual interests, or timidly giving way to the loud voice of clamour, arising from artful excitement and delusion, or from a complete ignorance of the true tendency of the plan in agitation. That the manufacturers of this country would in some degree be affected by the system in question, was probable. The lower and inferior sorts of manufactures of iron, for instance, might, and possibly the silk manufacture; but that was a matter that did not weigh greatly on his mind, because in all manufactures that regarded the clothing of the country, there was constantly a rivalship and an emulation, and that of silk was, perhaps, the least important of any; besides, it was not likely that a manufacture worn by so few, and that depended so much on superior taste and delicacy, should leave the capital. He entered into a discussion of the nature of manufactures in general, and contended, that in process of time, manufactures would shift to that country where they could best be carried on to advantage. He said, individuals, as they grew wealthy, traded in that single line of commerce that they understood best, and found they were most fit for. The case of individuals, in this point of view, and the case of kingdoms, were perfectly applicable; thus in time Ireland would carry on such manufactures as best suited her, and such as best suited Great Britain would remain with us; and while the interests of the two kingdoms were mutual, and the prosperity of Ireland added to the strength, the power, and the glory of the empire, it mattered not where the manufactures were carried on. He stated, that we had already lost the coarse iron manufactory, which Flanders and Liege had some time since got from us: it was therefore worth our while to encourage Ireland to prosecute that manufacture, in order that we might buy of her instead of foreigners.

He then went into a consideration of the 4th resolution, which he declared related solely to commerce, and not to legislation. It was a commercial condition; and to be considered as the condition of a treaty between two independent legislatures, in like manner as any condition in a treaty between two independent states was to be regarded. But the right hon. gentleman had said—Who ever heard of a condition in a treaty between two independent princes of an indefinite nature? In answer to that he must observe, that it was definite as to its object, and in every other point of view as definite as the nature and circumstances of the case would allow. The whole system contained in the resolutions was a treaty for admitting Ireland to a participation of our commercial advantages, and the fourth resolution was the condition of the compact; and what was the condition? nothing more than that Ireland should consent to the same laws and the same regulations in point of navigation and commerce that we were bound by ourselves. Would any reasonable man say, that was legislating for Ireland? Would any reasonable man say, candidly considering the true meaning of the condition, that it ought to be construed into an attempt to resume that independence conceded to Ireland in 1782, and which, once conceded, it would be the height of absurdity, as well as injustice, to attempt to resume? He was persuaded, however men's minds might be inflamed against it for the present, when the parliament of Ireland considered it coolly, when it had been discussed fairly, and was fully understood, there would not be a man in his sober senses in Ireland, who would contend, that it was an unfair, or an unreasonable condition on the part of the parliament of Great Britain to make, or a rash or an improper condition for the parliament of Ireland to accede to. It was, however, such a condition, as Ireland had it in her option to accept or reject. She was to be determined by herself, and he had little doubt of her deciding wisely.

With regard to the constitutional question which had been started on the subject, he wished to state his sentiments. Much had been said of the navigation laws; these were to be considered not as legal monopolies of trade, but of seamen, on whose gallantry and exertions the salvation of this country depended. The

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present system was, however, intended to enlarge this monopoly; it was its object to unite the Irish sailor to the British sailor, and in this way to connect the interests and consolidate the strength of both kingdoms. He quoted on this subject the opinion of a learned politician, who had expressed his hope that the Irish propositions would be rejected by that parliament in which they originated; he meant the dean of Gloucester. It was in fact to call on the Irish parliament to renounce its legislative rights; it was merely a part of a treaty; it was a condition which the parliament was to take into contemplation: they were to compare it with the boon offered, and they were either to retain or give it up for the equivalent suggested agreeable to their own sentiments and choice. It was no doubt true, that Ireland had a free and decided right to legislate for itself. It was not the intention of this country to invade her privilege. The propositions in question by no means affected it; they only suggested a measure to Ireland, calculated for the good of both countries, which, upon mutual principles of advantage, it was presumed she would accept. Here, therefore, was no forcing her will, no resumption of the old system, but a mere renunciation of right *quoad hoc*, which would entirely depend on her own voluntary determination. Whatever measure, therefore, would follow, what line of conduct the Irish would of course adopt, would undoubtedly be considered not as a consequence of violence committed against their unalienable rights, but as the completion of an engagement into which they had entered of their own accord. With regard to the objections that had been urged against the whole of the resolutions, they did not so far operate on his mind as to induce him to entertain an unfavourable idea of the plan; he remembered that the treaty of union, as great a political blessing as had ever dropped from heaven on two countries so circumstanced and situated as North and South Britain were, had long before the time that the Act passed, while it was in agitation, and for some time afterwards, been the subject of as much obloquy as any measure that ever was carried into effect by any minister in any country. The authors of that solid national benefit were necessarily involved in all the obloquy that had attended it; but there was not, he believed, an individual in existence who did not now revere them as the best friends to their country, and consider the union itself as the choicest blessing that had ever befallen it. For the sake of Great Britain and Ireland, he hoped the treaty then under consideration would lead to the same happiness, and produce the same salutary effects; conceiving, as he did, that it might be attended with consequences so desirable, and being of opinion that the address now moved, by the solemn assurance it conveyed of the British parliament having no intention to resume the independence of the legislature of Ireland, might tend to conciliate the minds of the people of that country, to quiet their alarms, and to remove all doubt and uneasiness, he should certainly give it his support.

Mr. *Eden* rose chiefly to take notice of that part of the right hon. gentleman's speech which presumed, that the interest of particular manufactures in this kingdom ought, in many possible cases, to be sacrificed to important objects of state. In abstract theories of trade and commerce, each individual of a community ought to be confined to those exertions of his talents which can be made with most advantage; and what was true in this respect, with regard to individuals, was also true as to communities and nations; but he had repeatedly remarked and regretted, that gentlemen were apt, in their partiality for their own project, to forget the difference in the relative situation of the two kingdoms. If that difference had not existed, he trusted that neither he nor those with whom he acted would ever have doubted, as to the expediency of making the communication of commercial advantages between the people of Ireland and of Great Britain as free as the air which they breathed. It was easy to make plausible speeches upon commercial subjects replete with philanthropy and liberality; but, if those speeches were to be the groundwork of laws, and to influence the prosperity of millions, it was surely right to look a little to practicability and existing circumstances. He would then, in plain words, endeavour to state the present measure and its tendencies.

The treaty purported to have two objects; a more complete intercouse between the two kingdoms, and a full participation of commercial advantages from the one kingdom to the other. At the first view, nothing could be more pleasing, or more eligible; but it was necessary to recollect, that Great Britain, in the acquisition of those advantages, required to be

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communicated, had incurred an immense debt, the interest of which depended on the collection of certain taxes imposed on every article both of consumption and commerce: that under these circumstances the public credit and political existence of the kingdom depended on a complex system of revenue: that this system could be proved only by strict regulations of port duties and internal excises. A union of commerce led to a union of taxation and regulation; which could only be procured by a union of commercial legislation. If, therefore, the treaty was to go forward, he would freely confess, that he differed totally from his noble friend, who seemed so earnestly to regret the insertion of the 4th, 5th, and 16th propositions: he had heard with pleasure the words of the intended Address, which stated those propositions as "conditions necessary to the existence and duration of the plan." In this method of appreciating the business, he would confess, that he differed from others who extended their consideration so far, as to profess an impartial attention to the interests of both kingdoms. In great discussions of the general and joint interests of the empire, he could pursue the same sentiment; he could go farther, and could cordially seek the advancement of Ireland, in all matters unconnected with the immediate interests of Great Britain. In the present treaty, he left the affairs of Ireland to her own managers; and no nation could have abler or better managers; and he must consider himself as one of the agents for the British manufacturers, and for the landed interests and stockholders of the kingdom; and he could add, that, in every case where those immediate objects of his parliamentary trust were not opposed to the wishes of Ireland, no man could be more disposed than himself to act with fairness and with zeal as agent also for the interests of the sister country. In naming the manufacturers, Mr. Eden descanted on the benefits resulting in the present business from their interposition. It had given time for understanding the business, which would otherwise have been precipitated: he would acknowledge, that the lights and information obtained from those excellent and respectable members of the community, had been the occasion of introducing into the propositions, many articles of solid advantage to this country, if it could be made plain, that the price to be paid for them was not attended with too much risk, and too great disadvantage to valuable classes of manufacturers. He here stated what Great Britain was to give, and what she was to get: she was to give, 1st, the carriage from Ireland to this kingdom of colonial produce after landing in Ireland, and also of North American produce; 2d, an access to the British markets; 3d, a national compact not to raise the duties on Irish linens. In return, she was to obtain, 1st, a control and superintending power of legislation in matters of trade and commerce; 2d, an acquiescence of Ireland in the perpetual duration of the East and West India monopolies; 3d, a confirmation in British prohibitions of exports, without the power of making them reciprocal. To which, perhaps, he ought to add, the contribution in proportion to the increasing opulence of Ireland; but he considered this rather as the acknowledgment of a principle which Ireland must carry into execution, than as the establishment of any charge likely to produce a solid advantage. But here it peculiarly deserved remark, that these great and important acquisitions, namely, the supreme power of originating all commercial laws for the empire in Great Britain, the perpetual establishment of the great monopolies, and the exclusive prohibition to be possessed by this country upon various great articles of exports, were all introduced since the original plan had been brought from Ireland; and would never have been admitted, if the manufacturers of this kingdom had not appeared at the bar, and given to their representatives that information, which certainly was much wanted.

Such were the outlines: in the detail, however, infinite difficulties had arisen. It was undeniable, that it threatened great distress to the cotton trade, the glass trade, the manufactures of leather, and the coarse woollens. And it was undeniable, that the sugar refineries, the breweries, and the iron and silk manufactures would, instead of being supported, be plunged by this most inauspicious plan into a state of mutual prohibitory duties. It would, indeed, be little consolation to the suffering bodies of men in this country, to be told in the words of the Address, "That the subjects of each kingdom will be taught to apply themselves to those branches which they can exercise with most advantage." Such phrases were suitable enough in theoretical essays, but calamitous when made applicable to the

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complicated state of this great kingdom. He had now given a general statement of the advantages and disadvantages, and he trusted with fairness and candour; and it was impossible to deny that a great convulsion was risked in the plan. A noble lord, in speaking of that plan in another place, had said, it was permanent in its principle, and changeable in its detail. He allowed that phrase was whimsical enough, as an argument in defence of the plan; it was however sufficiently true, and its truth was a great argument against the measure: in short, the country was to be bound in promises, and to be perpetually wrangling in the execution of those promises; and Ireland would be similarly situated. As to Ireland, he would only say, that those who had the immediate care of her interests would know sufficiently how to conduct them; but the immediate acceptance of the propositions in Ireland, if such at last should take place, would not change his sentiments. It had happened to him, and was also within the experience of the Chancellor of the Exchequer, to know that parliaments can change their opinions in conformity to the sense of the people whom they represent. He particularly had seen many measures voted in the Irish parliament, which at the moment he had thought right, and of infinite importance; but which even in the same session had been rescinded by the unanimous suffrages of the same body. It was in Ireland as in England: when the people call aloud, their parliament would hear.

Mr. *Fox* began by an allusion to lord Beauchamp's apology for the apparent inconsistency of approving of the original propositions, and yet objecting to the Resolutions as now before the House, declaring that he was ready to acknowledge himself in much greater danger of the censure of inconsistency; for so far was he from approving either the one or the other, that he most sincerely and heartily reprobated them both, although he confessed that they appeared at the same time to be completely contradictory to each other. He believed, indeed, that there never had been known two systems so diametrically opposite, and yet each so objectionable, as the two systems,—that which had been sent from Ireland, and that which had originated in that House,—were in all their parts. His right hon. friend had made an attempt to sum up the whole account between Great Britain and Ireland, but he was afraid the calculation would be found much too sanguine; and so far from each country gaining by the arrangement, they would both of them be considerable losers. Great Britain would lose her own market, and the direct trade to her colonies, together with her navigation laws, on which her strength and importance so much depended; while Ireland would lose her constitution, and again become a dependent, subordinate kingdom.

One strong objection against the arrangement with him was, that there was at present no necessity for it, and that such an arrangement ought never to be wantonly brought forward, but only resorted to when it was found necessary. This necessity was known by the minister and his friends to be so essential to the propriety of the plan, that he had endeavoured on many occasions to enforce it by that topic. But what means did he take to point out the necessity? The principal one was that which a right hon. gentleman had just stated, namely, that the necessity of such an adjustment had been declared by a resolution, which he had the honour to move in that House in the year 1782. He declared then, as he had declared before, that no idea of a commercial regulation had been entertained by the administration of that day, in proposing that resolution. There were at that time certainly some regulations wanting between the two countries; but those regulations were to extend to political objects alone, and not to commercial: they were partly to establish what was much wanted, something to replace that power, which, in their struggles for independence, the Irish had imprudently insisted on having abolished, and which he had himself given up, in compliance with the strong current of the prejudices of that nation, though with a reluctance that nothing but irresistible necessity could have overcome. The power which he wished to have seen replaced, was that which had been so often of late under discussion in parliament, and which had been variously termed, being sometimes called commercial, at other times external, and frequently, imperial legislation. It certainly was highly necessary, that power being precipitately abolished, that some succedaneum should be found for it; for without one general and superintending authority to embrace and comprehend the whole system of the navigation of the empire, it must necessarily happen, that much confusion and

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great inconvenience would take place. It was an unpromising circumstance in those resolutions, that they were not so much argued to be the result of the judgment of those who brought them forward, as of a strained and fabricated opinion, said to have originated with a former administration, and, as such, forced down the throats of those who had composed that administration, and under the sanction of their names imposed upon the House. He declared, that such gentlemen as had asserted, that that resolution went to any idea of commercial regulation, asserted what was wholly unfounded in fact, and diametrically opposite to the truth.

Having so often trespassed on the time of the House in debating the different parts of the system, Mr. Fox said, he would not now enter into any arguments on the detail of the resolutions; but would confine what he had to say to the general question of policy and justice that arose out of the whole. But, admitting that there was any necessity for a commercial arrangement, how was it to be ascertained which system was best, when two systems had been brought forward by the very same person, the one to be laid before the Parliament of Ireland, to which it had agreed, and the other for the use of the English Parliament? Those two systems, each invented by the same person, each promising the same effect, the mutual and permanent good understanding between the two countries, and the one professing to be an amendment of the other, were unfortunately so completely contradictory, as to afford no possibility of finding a single argument in support of the one, that did not apply with equal force against the other. He desired to know why the motives for making so complete and effectual an alteration, as well in the spirit as in the words of every one of the propositions, had not been communicated to parliament? Was the right hon. gentleman encouraged to this omission by that confidence which so many of his friends had declared they placed in him? a confidence so unlimited and so determined as not to give way to the vast body of evidence which was offered to that House, and which they had since confirmed by their oaths at the bar of the House of Lords. If confidence, and blind acquiescence in the opinion of others, was a proper ground of parliamentary conduct, he thought that confidence ought to be rather placed with those persons, who, from their number, from their knowledge of the subject, from their interest in it, and from their oaths, were much better intitled to it than a single individual could possibly be. It was not his intention, however, at present, to make any effort to overturn or destroy this confidence in the minister; for being entirely at a loss to conceive on what it was founded, so must he be ignorant of the means by which it could be attacked.

He reprobated the absurdity of the whole proceeding, which had been conducted on a principle of making each Parliament state what it would be willing to accept, instead of what it would be satisfied to give. Whereas, on the contrary, the proper mode would have been, for each Parliament to have well weighed what they could give, and then they would have been competent to determine; for each knowing, and having specified what it could give, and the other ascertaining what it was to receive, it would be easy to strike a balance between them; whereas, on the contrary, Ireland was first brought to make her demands on Great Britain in the eleven propositions sent from thence, and Great Britain in her turn had made her demands on Ireland, in the 4th and 5th of the amended propositions. Hence it was, that the whole plan had the misfortune of being equally detested, both in England and Ireland. This equal and violent degree of aversion had afforded room for a weak and pitiful argument that he had heard used, that the clamour of one country against the resolutions, was a strong argument in favour of them with the other. After exposing the fallacy and illiberal tendency of such an argument, he observed, that it was in one respect the most fortunate argument he had ever known; for being built on the unpopularity of the measure, it enjoyed the advantage of that unpopularity, to the utmost possible extent, and was equally applicable in both kingdoms, the plan being equally execrated in both. It was an unhappy omen, that in an arrangement proposed as a basis for mutual affection, and a pledge of mutual advantage, each party to the negociation had discovered the strongest motives of discontent, and the strongest grounds of jealousy and apprehension. A right hon. gentleman opposite to him had indulged the benevolence of his own mind, and the luxuriancy of his fancy, with a picture of a liberal system of commerce without any restraint whatever; but after amusing himself and the House with his theories, he at

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last acknowledged that he had been only amusing them, for that they were incapable of being applied to the case of the two kingdoms. He recommended it to the right hon. gentleman, for the future rather to employ his ingenuity in discovering what was practicable and useful, instead of hunting for systems, which, however beautiful in theory, were perfectly incapable of being reduced to practice.

When he had said, that he had regretted the giving up the power of external legislation, as likely to prejudice the general interests of the empire, and therefore necessary to be replaced, he desired not to be understood as meaning to seek for it again; what he meant was, to find some system, that without reclaiming the power, or infringing in the smallest degree on the full emancipation and independence formerly conceded to Ireland, should afford the means of avoiding that confusion which was otherwise so much to be dreaded. The Chancellor of the Exchequer had made use of an expression on a former occasion that somewhat surprised him, as little calculated to allay those apprehensions in Ireland which he had so wantonly excited. He had said, that it was by no means his intention to resume that legislative supremacy over Ireland, in so short a time after having relinquished it. For his part, he did not think any time could be long enough to justify this country in again possessing herself of those legislative rights, which she had so solemnly surrendered; on the contrary, when the supremacy of the British parliament was given up, although he might lament the necessity, and perhaps dread the consequences of such a measure, yet he looked upon it as an inviolable compact, that could never be receded from without the most flagrant breach of public faith; and he should have thought it equally repugnant to the true sense of the compact between the two kingdoms to have endeavoured to get back the power then resigned by a fraudulent negociation like the present, as by a direct and barefaced act of power.

He adverted to the argument that had been used in vindication of the 4th and 5th resolutions, by comparing the principles of them with treaties between independent and sovereign states, arraigning it as weak and inapplicable to the relative situation in which Great Britain and Ireland were to stand after the conclusion of this arrangement. Ireland was to be bound to adopt laws made by Great Britain, of the nature and tendency of which she was to have no opportunity of judging, because they were not expressly stipulated at the time of making the treaty; and therefore she was so far to give up her legislative discretion and free agency into the hands of Great Britain; whereas he defied any gentleman to produce a single instance of any prince or state having ever made such a sacrifice; or if they had, he would then contend for it, that such prince or state was no longer independent, but was become a vassal and feudatory to the other.

But there was another strong objection to the system, inasmuch as it contained a principle that essentially entrenched on the constitution of Ireland in another particular; this was the compelling her to set apart, by way of tribute, a certain sum over which she was hereafter to have no control, nor any power of resumption; this he argued in the strongest and most brilliant manner, shewing how modern liberty, which he contrasted with that of ancient nations, depended on the limited duration of pecuniary grants. This limitation afforded an opportunity to the Legislature to withhold supplies until grievances should be redressed. This check on the executive authority would be completely done away, if a sum of money adequate to the immediate expenses of domestic government were permanently to be granted. This principle of temporary grants had never been abandoned by the Parliament of Great Britain, except in a particular instance, where a permanent grant was necessary to secure the interest of the national debt to the public creditors; but he should be glad to know what would any gentleman think of a minister who should propose to make the malt and land tax perpetual; and yet this he declared to be an exactly similar proposal. It was, he granted, true, that the surplus of the hereditary revenue ought never to be so considerable as to operate in this manner; but he was at liberty to argue it so, because, if it were to be contradicted, then would it follow that this compensation to Great Britain was nugatory and contemptible. The right hon. gentleman had recommended firmness to Parliament in the course of the business, and he himself would join in recommending that temper as well on every other occasion as the present; but he was very much afraid the right hon. gentleman, in recommending firmness, had unfortunately confounded the meaning of that temper, and meant,

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instead of firmness, obstinacy and presumption. The discontents of the people were argued from, as the cause which rendered this arrangement necessary. He was willing to admit that there were discontents; but they were not the forerunners or cause of these resolutions, they were their effect and consequence. But how were these discontents to be appeased by the plan now going forward, or what reason was there for such a hope? Was it because that from their first appearance in each of the different shapes which they had assumed, they had raised an universal outcry in both kingdoms? Was it because the benefits to be derived to each nation under them were looked upon by both as trivial and insignificant in the extreme, while, on the contrary, what each was to give, was considered as most valuable, and greatly to be regretted? He assured the House, that if, by the exertion of influence and corruption, the resolutions could be got through the Irish parliament, so violent was the aversion of the people of that country to them, that they would unquestionably in a short time be able to effect their repeal; for the united voice of the people must at last be obeyed, when their views were steadfastly directed to one great object, and regularly enforced by firm and constitutional exertions. It was, he concluded, extremely unfortunate and ominous, that this system, which professed to be a pledge of future affection between the two countries, should be so odious and detestable to each of them. He declared, that if it was a philter, it was, of all he had ever heard of, the most disgusting and nauseous; but still the minister, like a self-sufficient physician, was determined to pour the draught down the throats of his patients, assuring them, that however it might hurt their tastes and violate their inclinations at the time, yet when swallowed, it would amply compensate their sufferings, by the comfortable effects they would in the end find from it.

Mr. *Pitt* confessed, that if to assert roundly and boldly could be admitted as argument, then the House would be fully justified in rejecting the motion he had made; for he had never before seen so palpable an attempt to impose upon them by loud and positive affirmations and assertions, unsupported by any thing else than the mere credit of the party, as he had been lately a witness of. The noble lord and the two right hon. gentlemen opposite to him had each of them contrived to discover a distinct ground of opposition, and every one incompatible with and contradictory to the other two. The noble lord, who had professed himself the champion of Ireland on the present occasion, had disapproved of the resolutions, not so much from any thing objectionable in them, as because they came short of the original eleven propositions sent from Ireland. The right hon. gentleman next him (Mr. Eden), though he expressed some tenderness for the twenty resolutions voted by the two Houses of Parliament in England, though he had even betrayed an inclination to receive them as his own by adoption, and regretted that they were not so by creation, was yet willing that they should be strangled in their birth, on account of the odious twin they were coupled with, the eleven propositions of the Irish parliament. The other right hon. gentleman had introduced a new diversity, by adopting the two contradictory objections of his two friends, and by exclaiming against the whole system, as well upon account of the deleterious quality of the propositions voted in Ireland, as upon account of the equally noxious, but directly contrary tendency of the resolutions of the British parliament. In this, it was true, the right hon. gentleman had shewn some reluctance, and had entered a protest in favour of his own consistency; and he would do him the justice to acknowledge, that however inconsistent he might have been in the different parts of his conduct during the course of the business, yet inasmuch as he had been uniformly and constantly so, it might be said, that he had at least the merit of practising a perfectly consistent inconsistency. There was but one argument, in which the noble lord and his two right hon. friends concurred; which was, that there was at present no necessity for any arrangement of a commercial nature between the two countries. The two right hon. gentlemen, however, had strangely contradicted themselves in the course of that argument; for the one had declared his approbation of the amended resolutions on the ground of their establishing (what he confessed to be wanting) an authority that should control and regulate the whole of the commercial concerns of the empire, and the other had regretted, that in 1782, when he moved for the independence of Ireland, he had not retained in the hands of this country an external or imperial right of legislation, which he acknow-

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ledged he thought necessary to the full and proper regulation of commercial concerns; thus it was a thing to be regretted that the means had not been retained of regulating the affairs of commerce and navigation, while at the same time it was contended, that no necessity for regulation existed in either.

But this was not the only example of inconsistency that the arguments of the gentlemen on the other side afforded; it happened, unfortunately for them, that the simple argument on which they all agreed, was directly contrary to the spirit of that resolution on which alone the House had been unanimous, and which was made separate from all the rest, merely because it was on all hands admitted to be a perfect truism, on which there could not possibly be a second opinion. He alluded to the first resolution, which stated, that it was highly important to the general interests of the British empire, that a permanent arrangement of commercial concerns should be made between the two countries on principles of reciprocity and mutual advantage. Besides this, the words of the resolution moved in 1782, by the right hon. gentleman himself, and the meaning of which was too stubborn and obvious to be explained away, were still stronger; for therein it was declared to be indispensably necessary to the happiness of the two kingdoms, that the connexion between them should be fixed upon a permanent footing, by mutual consent. Now, coupling these two resolutions, both of which had been unanimously voted, with the arguments used by the three gentlemen opposite to him, the whole force of their reasoning amounted to this, that what was indispensable was not at all necessary. The noble lord, in endeavouring to establish this argument, had attempted to prove, that the new duties imposed on British imports in Ireland were not to be considered as proceeding from any hostile views in the Irish Parliament, but as being merely calculated to answer the purpose of equalizing, not of protecting duties. Equalizing duties, Mr. Pitt said, were, to a certain degree and extent, protecting duties; but the duties imposed by the Irish Parliament were not simply equalizing duties, they were considerably greater, and they were the consequence of the uniform and persevering voice of the people. Would any man presume to deny, that at that very moment there existed in Ireland an almost universal clamour for protecting duties; and had not a right hon. gentleman declared, that the voice of the people must ultimately have its weight with their parliament, and be crowned with success? If, then, there was no necessity at present for this arrangement, was it not evident and certain, from the right hon. gentleman's own argument, that such a necessity must shortly exist? It had been argued also, that the proper time for such an arrangement as the present, would be when it was found to be demanded by pressing and urgent circumstances. Was it, he wished to know, a thing to be seriously recommended in any business, and particularly in one so important as that before them, to defer any step until the moment when necessity should come upon them, like an armed man, and leave no time for the deliberation, nor no discretion for the free-will of Parliament, but enforce the sudden and crude adoption of a system built on the emergency of the moment, wanting all the advantages of previous discussion and minute inquiry?

A regular and settled series of objections had been made to the arrangement, and repeated on every occasion that offered; the ground-work of which was, that on the one hand it materially injured the commerce of Great Britain, and on the other, infringed on the constitutional freedom of Ireland. The noble lord, on behalf of the manufacturers, had lamented, that instead of the idea of equal port duties, and countervailing duties to counterbalance the duties on internal consumption, there had not been a general equalization and diminution of all duties proposed; and had declared, that if the latter had been done, he firmly believed it would have gone a great way to remove the opposition the plan had met with: but he was willing to rest upon the common sense of the question, which was most beneficial to the manufactures,—a duty exactly equal on importation into each kingdom from the other, or equal port duties and countervailing duties to balance the internal imposts? for to what a disadvantage would the English manufacturer meet the Irish, if the latter had only to pay a small port-duty, while the former was burthened with the same port-duty, together with additional impositions on the raw material and on the consumption! Much emphasis had been laid on the liberty given to Ireland to supply this country with the produce of our own colo-

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nies; but as the countervailing duties would afford an effectual protection to the British merchant in the British market, the opposition on that head had been supported by the old arguments drawn from our navigation laws, those great pillars of our naval power and importance, the custody of which, it was said, we were going to intrust in the hands of the Irish revenue officers, over whom the Executive government of Great Britain had no control. But here the right hon. gentleman had forgot, that it was not in the Irish officers that this trust was reposed, but in the officers of our colonies abroad, over whom there was the same control that existed over those at home, and by whom the interests of the navigation laws of England had been hitherto managed; for the checks that had been adopted for the security of those laws were the certificates of exportation from our colonies, which certificates only were to entitle the Irish merchant to the benefit of the English market. His right hon. friend, (Mr. Jenkinson) had fallen under the animadversion of the right hon. gentleman, for laying down abstract propositions, which he had admitted could not apply in practice to the situation of the two countries; but he by no means thought it blameable, in a case of a particular nature, to have the general theory always in sight, still however accommodating it to the peculiar circumstances of a particular case. Thus, if it were admitted to be an ill-founded principle, that between two countries, whose situations with respect to taxes were exactly similar, the proper method of knitting them together in a commercial connexion would be by mutually admitting each other's exports either duty-free or on low duties; it naturally followed, that where their situations were essentially different, in consequence of heavy taxes in the one, and an exemption from taxes in the other, the way to accommodate the principle or theory to the difference of situation was to superadd to the equal duty on exports of the country less taxed, a countervailing duty adequate to the internal duty paid in the other on its consumption, or on the raw material.

The right hon. gentleman now proceeded to examine the suggestions that had been made of its affecting the independence of the legislature of Ireland, by the provision of the 4th resolution. It had been attempted to be laid down, that no parallel could be drawn between those two kingdoms, and two states wholly distinct and separate, upon the subject of the present treaty. This distinction he combated, pointing out not only the necessity of such a provision, but also that it was exactly correspondent to the general practice of all countries and states, the most independent and unconnected with one another; and moreover, that it was entirely innocent of the danger with which it was said to be pregnant. The argument by which this distinction was endeavoured to be supported was, that in the present treaty Ireland was to give up her own discretion, as well with regard to the expediency, as to the justice of any new provisions she might be called upon, by the example of the British parliament, to adopt; that she was to be bound blindly, and without any power of deliberation or discussion, by English acts, which she had no right either to alter or reject; and that there was no express previous stipulation of the acts she was to pass, but that they were from time to time to be dictated to her by this country. In order to shew that it was no uncommon or unlikely thing for a treaty between two independent countries to stipulate in the same manner for acts not particularly specified, he should put a case that would shew the House how familiar and how natural such a conduct would be, nay, in many instances how unavoidable. Suppose, in a treaty with Portugal, Great Britain should engage that that should be the favoured country, should it afterwards be found advisable to lower the other duties on any commodity of France similar to what we had before imported from Portugal, would it not be incumbent on us, in performance of the before-mentioned treaty, to lower the duty on the Portuguese article in proportion? And would any person pretend to say, that our being so obliged to act by treaty, was a dereliction of our independence and sovereignty as a nation. Perhaps it might be argued, that this was not a case in point, inasmuch as the original act, by which Great Britain should become liable to the performance of the condition in favour of Portugal, was an act arising from her own discretion, the consequences of which she would have an opportunity of weighing, and which she might either avoid or perform, as she saw most convenient: whereas such an option was not to be left with Ireland, whose acts, under this branch of the adjustment, are to flow from the determination of the

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British parliament, without any power being left with her to examine the policy or justice of each. But he would put another case equally probable, and to which the same objection could not apply. He supposed, for instance, that in a treaty with Portugal, this country were to bind herself to lower the duties on the exports of that country, in proportion as she should lower her duties on our exports: in this instance, he observed, the discretion under which we should be bound to act, would not be our own discretion, but that of Portugal. But if it was true, that the principle of this resolution could not interfere with the independence of Ireland, so neither could its operation affect or injure her interests. There was nothing that so effectually secured the liberty of a people as a community of interests between them and their legislature; for when those persons who had the power of framing laws were themselves to be as effectually subjected to them as the rest of their countrymen, there was every reason to suppose that such persons would, from motives of private interest, be extremely cautious in passing any laws whatsoever, because they would themselves be subject to them all. If this argument had any weight as applied to a people and their legislature, it equally applied to Great Britain and Ireland on the present occasion, and proved, that of all the treaties ever entered into by any two separate states, this was the safest on the part of Ireland; for in most treaties, one state was bound to the performance of a certain act, as soon as a different act should be performed by the other, which other had therefore an opportunity of judging how far the whole would be for her benefit, or the contrary, and would of course so far have peculiar advantage; but there was no room for such an advantage between Great Britain and Ireland, because the latter was only to be expected to adopt the very same measures that the former had already found necessary to her own interest, which it was impossible to conceive could ever differ from those of Ireland.

With respect to the idea that Ireland was to be bound to receive every or any law passed by Great Britain on subjects of a commercial nature, and by her construed to extend to the principle of this Resolution, without being at liberty to deliberate on it, and to examine how far it was really consistent with that principle, and if otherwise, to reject it; any such variety of opinion between the two legislatures would, no doubt, be a very deplorable calamity, because it would be nothing less than a breach of the public faith of one or other of the two nations; since if the law passed in England were really inconsistent with the principle of the Resolution, namely, the "imposing the same restraints, and conferring the same benefits on the subjects of both kingdoms," in that case England would have broken her good faith; whereas, if the law were really squared to the principle, it could not be rejected in Ireland without an equal breach of the treaty: but each of these cases he looked upon as impossible to happen, because the people of Ireland were too well acquainted with their own interest to adopt either; he could not conceive how a law, that would be beneficial to Great Britain, could be detrimental to Ireland, and it was absurd to suppose that Great Britain, merely for the purpose of doing a prejudice to Ireland, should also injure herself. The noble lord had complained, that an amendment proposed by him, and which would have obviated all his objections, had not been received. He had been, he said, upon all occasions, as attentive as possible to the noble lord, knowing and feeling him to be a great source of general information; and this attention had led him to record, with peculiar exactness, an expression of the noble lord concerning that subject. His lordship's words were as follow: "that if laws should be passed in one country, relative to navigation and the colonial trade, and rejected in the other, it must necessarily lead to the worst consequences, to consequences which he could not foresee or conceive." Now, as the noble lord could neither foresee nor conceive those consequences, the noble lord was determined to gratify his curiosity, and to discover, by experience, what they would be; and accordingly he had proposed an amendment, that would, in all probability, have produced the events that were to lead to those consequences with which he was so desirous to be acquainted. This amendment of the noble lord made it entirely optional with Ireland, whether she was to accede to the navigation laws hereafter to be passed in England; whereas, the Resolution, as it now stood, would in a great measure govern the discretion of Ireland, not by imposing on her an absolute necessity of adopting such laws, but by voiding the whole arrangements, if she

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should refuse to do it. The whole of the treaty was to depend on that which alone could give stability to any treaty, the good faith of the two nations that were parties to it; but there was another security still stronger, the mutual and demonstrative advantage of each, which was so essentially connected with the preservation of it; for Great Britain could not be detrimental to Ireland. It was somewhat extraordinary, but considering the general conduct of certain gentlemen in that House, by no means singular, that it should be imputed as a blame to the Resolutions, that the amendments made in them, and, among the rest, those that had been marked out as so destructive to the constitution of Ireland, had not been suffered to originate in Ireland, in order that parliament might be apprized of the disposition of the people of that country towards them; and that this objection should be made by the very persons who formerly made such grievous complaints, that the first propositions were not suffered to originate in this country rather than in Ireland. The right hon. gentleman had enlarged with great vehemence and with much boldness on the general discontents against the Resolutions in both kingdoms, although he had not, as his friend near him had done, disclaimed his being an agent for Ireland; and though by his conduct, at present, he seemed to wish to be looked upon in that light, yet he must excuse him, if he by no means considered him as the representative of the parliament or people of Ireland, and more particularly when he recollected, throughout the whole of the proceedings, that although the right hon. gentleman's zeal had always been very great, yet it had been occasionally directed to different objects. He at first stood forward as the champion of the English manufacturers against the Irish, who he was extremely apprehensive would receive too great a benefit by those Resolutions; and afterwards, he was become as warm an advocate for that very nation whose interests he had so lately most violently opposed, nay, was even sanguine enough to flatter himself, that, forgetful of his recent hostility, they would echo back the same topic of opposition that he himself had taught them, and come to him for grounds of discontent and jealousy. But he was not afraid of the right hon. gentleman being able to propagate his idle suggestions in the sister kingdom; he was persuaded she would see in the Resolution, of which so bad a use had been attempted to be made, nothing but what was absolutely necessary, nothing but what was essential to the whole arrangement, and above all, nothing that in the smallest degree could be supposed to tend to a surrender of her complete and acknowledged sovereignty.

It was, he observed, rather extraordinary to object to the Address on arguments grounded on the danger likely to result from a part of the arrangement to the independence of Ireland, when that Address, so far from countenancing any idea of an infringement of the independence of Ireland, contained a solemn reprobation of any such intention. With regard to the right hon. gentleman's assertion, that the plan was universally disapproved by the people of this country, he had only to say, that certainly it was evident that considerable districts, led away by motives of private interest and that captious jealousy with which trade is generally accompanied, had certainly expressed their disapprobation of the whole arrangement. But, that the majority of the people at large were averse to it, was a circumstance, for the truth or falsehood of which he was ready to appeal to the knowledge of such gentlemen as had availed themselves of the late interruption of the business of that House, and had visited such parts of the kingdom as were not swayed by partial considerations or biassed by personal inducements. He hoped he should always have firmness enough to face the loudest clamour, if it was ill-founded; and he should be equally ready to listen attentively to the opinion of the public, or of large and respectable bodies of men, as several of those manufacturers, that had opposed this system, certainly were; yet still in a comprehensive arrangement that extended over so great a part of the national concerns, that embraced as well subjects of general policy as of commerce, he thought it by no means fit, that Parliament should be blindly directed by the voice of the mercantile part of the country, even admitting that the majority of that description of people should come forward on the subject. In all that had been said by the three gentlemen who had spoken against the motion, there was nothing that applied to the question itself; they had all gone upon grounds already debated and determined on by both Houses of Parliament. The merits of the plan itself was a thing at

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present of course out of the question; all that remained for Parliament now to do, after having approved of the Resolutions, was to be informed of the sense of Ireland concerning them; and how was that to be done but by having them transmitted by the Crown, in consequence of an address? He wished to know how gentlemen could account for it, that, after a clamour and complaint for so many months, that Ireland was kept in the dark with respect to the system going forward, they should now, when that complaint was to be removed, and when the whole of what had been done was to be laid before the Parliament of that country, so suddenly change their opinion and become desirous of still concealing from the sister kingdom, that which they hitherto thought it so improper to conceal.

There was but one topic more on which, after all the trouble he had already given the House, he would then detain them, and that was the last Resolution; that which provided for a contribution from Ireland by the surplus of the hereditary revenue. This, he observed, had been used for the purpose of raising a jealousy in Ireland on the grounds of constitutional infringement. But the argument used that day was, of all others, the most curious and the most contradictory he had yet heard. It had been stated, that it was repugnant to the principles of modern liberty, and subversive of the policy of the Gothic constitution, to vest in the Crown a grant of money for an unlimited time. And by what means was this violation said to be effected? By taking from the hands of the Crown that which it has already an uncontrollable right to dispose of, and appropriating it to a particular and certain purpose. This was, indeed, a surprising method of increasing the power of the Crown, and overturning that system by which the Executive Government had been kept dependent on Parliament for its necessary supplies. Another turn had been given to this Resolution, as if it were an imposition of tribute on Ireland, and a mark of subordination: but how far, he said, were men reduced to go for argument when they had no other method of supporting their doctrines, than by finding out and applying odious names to the measures of their opponents! Thus to a provision for the defence of the empire, and that in the way most consonant with freedom, (naval force) was given the name of a tribute, and an insinuation of subordination raised upon the equitable and fair proposal of a contribution for mutual defence. But he would not credit any man who should so far injure the people of Ireland as to say, that they would ever suffer themselves to be duped by the artifices and deceptions of any man or set of men, into an adoption of all those monstrous chimeras that had been so industriously propagated. He had too great a dependence on the good sense of Ireland, and of her regard for this country, to suppose that she would sacrifice her own interests, and the common welfare of the empire, to the far-fetched and speculative punctilios that were so artfully suggested. After a warm panegyric on the Irish nation, he concluded with adjuring the House, that now that they had so far done their duty in the business of this arrangement, they would put it into the hands of the Irish Parliament, on whose concurrence the farther progress of the whole depended.

The motion for this Address was agreed to: after which Mr. Pitt moved, "That leave be given to bring in a Bill for finally regulating the intercourse and commerce between Great Britain and Ireland, on permanent and equitable principles, for the mutual benefit of both kingdoms." Which was also agreed to.

July 28. A conference was held with the Lords upon the joint Address of both Houses, when the blanks were filled up with the words "Lords spiritual and temporal."

Joint Address of both Houses to the King on presenting the Commercial Resolutions.] July 29. The Lords and Commons went up to St. James's, and presented their joint Address to his Majesty. The following is a copy:—

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons of Great Britain in parliament assembled, have taken into our most serious consideration, the important subject of the commercial intercourse between Great Britain and Ireland, recommended in your Majesty's Speech at the opening of the present session, and the Resolutions of the two Houses of the Parliament in Ireland, which were laid before us by your Majesty's command, on the 22d of February last.

"After a long and careful investigation

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of the various questions necessarily arising out of this comprehensive subject, we have come to the several resolutions, which we now humbly present to your Majesty, and which, we trust, will form the basis of an advantageous and permanent commercial settlement between your Majesty's kingdoms of Great Britain and Ireland.

"We have proceeded on the foundation of the Resolutions of the Parliament of Ireland; but in considering so extensive an arrangement, we have found it necessary to introduce some modifications and exceptions, and we have added such regulations and conditions as appeared to us indispensably necessary for establishing the proposed agreement on just and equitable principles, and for securing to both countries those commercial advantages, to an equal enjoyment of which they are in future to be entitled.

"Your Majesty's subjects in Ireland, being secured in a full and lasting participation of the trade with the British colonies, must, we are persuaded, acknowledge the justice of their continuing to enjoy it on the same terms with your Majesty's subjects in Great Britain.

"And it is, we conceive, equally manifest, that as the ships and mariners of Ireland are to continue in all time to come to enjoy the same privileges with those of Great Britain, the same provision should be adopted in Ireland as may be found necessary in this country, for securing those advantages exclusively to the subjects of the empire. This object is essentially connected with the maritime strength of your Majesty's dominions, and consequently with the safety and prosperity both of Great Britain and Ireland.

"We therefore deem it indispensable, that these points should be secured as conditions necessary to the existence and duration of the agreement between the two countries; they can only be carried into effect by laws to be passed in the Parliament of Ireland; which is alone competent to bind your Majesty's subjects in that kingdom, and whose legislative rights we shall ever hold as sacred as our own.

"It remains for the Parliament of Ireland to judge, according to their wisdom and discretion, of these conditions, as well as of every other part of the settlement proposed to be established by mutual consent.

"Our purpose in these Resolutions is to promote alike the commercial interests of your Majesty's subjects in both countries; and we are persuaded, that the common prosperity of the two kingdoms will be thereby greatly advanced; the subjects of each will in future apply themselves to those branches of commerce which they can exercise with most advantage, and the wealth so diffused through every part will operate as a general benefit of the whole.

"We have thus far performed our part in this important business; and we trust that in the whole of its progress reciprocal interests and mutual affection will insure that spirit of union, so essentially necessary to the great end which the two countries have equally in view.

"In this persuasion we look forward with confidence to the final completion of a measure which, while it tends to perpetuate harmony and friendship between the two kingdoms, must, by augmenting their resources, uniting their efforts, and consolidating their strength, afford your Majesty the surest means of establishing, on a lasting foundation, the safety, prosperity, and glory of the empire."

The King's Answer.] His Majesty returned this Answer:

"My Lords and Gentlemen;

"I receive, with the greatest satisfaction, these Resolutions, which, after so long and diligent an investigation, you consider as affording the basis of an advantageous and permanent commercial settlement between my kingdoms of Great Britain and Ireland. Nothing can more clearly manifest your regard for the interests of both my kingdoms, and your zeal for the general prosperity of my dominions, than the attention you have given to this important object. A full and equal participation of commercial advantages, and a similarity of laws in those points which are necessary for their preservation and security, must be the surest bond of union between the two kingdoms, and the source of reciprocal and increasing benefits to both. The same spirit in which this great work has begun and proceeded will, I doubt not, appear throughout the whole of its progress; and I concur with you in thinking, that the final completion of it is of essential importance to the future happiness of both countries, and to the safety, glory, and prosperity of the empire."

August 2. Mr. Pitt presented to the House, according to order, a Bill "for finally regulating the intercourse and com-

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merce between Great Britain and Ireland, on permanent and equitable principles, for the mutual benefit of both kingdoms:" and the same was read the first time; and ordered to be read a second time, and printed. Mr. Pitt then acquainted the House, that it being the King's pleasure, that the Parliament should be adjourned until the 27th of October next, his Majesty desires that this House will adjourn itself to that day. The House accordingly adjourned.

On the 27th of October the House met, and was prorogued by commission. The session was therefore concluded without any speech from the throne.

THIRD SESSION OF THE SIXTEENTH PARLIAMENT OF GREAT BRITAIN.

The King's Speech on Opening the Session.] Jan. 24, 1786. The King opened the session with the following Speech to both Houses:

"My Lords and Gentlemen;

"Since I last met you in parliament, the disputes which appeared to threaten an interruption to the tranquillity of Europe have been brought to an amicable conclusion; and I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country.

"At home, my subjects experience the growing blessings of peace in the extension of trade, the improvement of the revenue, and the increase of the public credit of the nation.

"For the farther advancement of those important objects, I rely on the continuance of that zeal and industry which you manifested in the last session of parliament.—The Resolutions which you laid before me, as the basis of an adjustment of the commercial intercourse between Great Britain and Ireland, have been by my directions communicated to the Parliament of that kingdom; but no effectual step has hitherto been taken thereupon which can enable you to make any farther progress in that salutary work.

"Gentlemen of the House of Commons;

"I have ordered the estimates for the present year to be laid before you: it is my earnest wish to enforce economy in every department; and you will, I am persuaded, be equally ready to make such provision as may be necessary for the public service, and particularly for maintaining our naval strength on the most secure and respectable footing. Above all, let me recommend to you the establishment of a fixed plan for the reduction of the national debt. The flourishing state of the revenue will, I trust, enable you to effect this important measure, with little addition to the public burthens.

"My Lords and Gentlemen;

"The vigour and resources of the country, so fully manifested in its present situation, will encourage you in continuing to give your utmost attention to every object of national concern; particularly to the consideration of such measures as may be necessary in order to give farther security to the revenue, and to promote and extend, as far as possible, the trade and general industry of my subjects."

Debate in the Lords on the Address of Thanks.] His Majesty having retired,

The Earl of *Morton* begged leave to offer their lordships his sincerest congratulations on the foreign as well as domestic circumstances of the country; on the rise of public credit, and on the prospect of commercial advantages which might naturally be entertained, from the present fortunate situation of the nation. These favourable views were to be ascribed to their real cause, the wise conduct of the present Administration, who lost no opportunity of advancing the general welfare of the country. On these accounts, it became every individual in that House, and the nation at large, to second their efforts, and to unite every endeavour to co-operate with them in rendering effectual the great and important objects of national advantage. He then moved the following Address:

"Most gracious Sovereign;

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in parliament assembled, beg leave to return your Majesty our humble thanks for your most gracious Speech from the throne.

"Impressed with the fullest conviction of the blessings which result from a state of general peace, it affords us great satisfaction to be informed that the disputes which appeared to threaten an interruption

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to the tranquillity of Europe, have been brought to an amicable conclusion; and that your Majesty continues to receive from foreign powers the strongest assurances of their friendly disposition towards this country.

"Earnestly interested in whatever may contribute to the strength and splendour of the nation, and the wealth of your Majesty's subjects, we cannot but be deeply sensible of the advantages which must be derived from the extension of trade, the improvement of the revenue, and the increase of the public credit.

"The promotion of the common interest and prosperity of all your Majesty's subjects, was the object of those Resolutions, which we humbly laid before your Majesty in the last session of parliament, as the foundation of a permanent and equitable adjustment of the commercial intercourse between Great Britain and Ireland; but no effectual step having been taken in consequence of them by the Parliament of Ireland, the progress of that measure, however salutary, cannot properly become the subject of our present consideration.

"We humbly intreat your Majesty to be persuaded, that the vigour and resources of the country, which, with heartfelt satisfaction, we observe are so fully manifested in its present situation, cannot fail to excite a still more active attention to the important objects of national concern which your Majesty is pleased to recommend to our consideration; and particularly to such measures as may be necessary to give farther security to the revenue, and to promote and extend, as far as possible, the general industry of our country."

Lord *Fortescue* declared, that he should think himself unbecomingly remiss were he to lose an opportunity of paying the highest compliments to the present Administration, on account of their indefatigable and successful endeavours to bring the country, depressed and divided as it had been, into its present flourishing state. That it was flourishing, admitted of no doubt. The recent rise of public credit was a satisfactory demonstration of the fact. The country felt itself tranquil and happy. Burthens had been necessarily imposed on the people during the last session; but they had been laid on with so much discretion, and such was the confidence of the nation in the wisdom of ministers, that even these burthens were not felt as galling weights, but cheerfully borne. New objects of national utility were suggested; and he hoped that these would meet with the attention and concurrence of their lordships. They interested the regards of his Majesty, who felt, on all occasions, an inexpressible solicitude for the welfare of his subjects; it became their lordships, on all occasions, to testify their gratitude and their loyalty to their Sovereign; and never did a fairer or more proper occasion stand before them than the present.

Earl *Fitzwilliam* said, that some particular passages of the Address required explanation before he could cordially give his assent to it. It denominated the commercial treaty which had been carrying on with Ireland, a "salutary work." This was a mode of expression which by no means met his ideas. It seemed to convey a sentiment of approbation of a measure in which he could not concur. He had uniformly reprobated the plan of negociation which had been prosecuted. He had paid, during the course of three months, the most industrious attention to its whole progress, and after considering it fully, and revolving it frequently in his mind, he could never see any reason for giving it his approbation. Could he now express a sentiment favourable to it? Could he allow that sentiment to be carried to the throne? It was impossible. He thanked Heaven that the scheme devised had been frustrated, and he hoped was finally defeated. The wisdom of Ireland had accomplished what the prudence of this country could not achieve. This event was fortunate for both kingdoms; for, in fact, as he had often declared, the commercial treaty was not calculated for promoting the interest of either, or both nations. An eulogium had been passed on the conduct of Administration, and the fortunate situation and flourishing condition of the country. The rise of public credit had been enlarged on; but was that rise to be attributed to any other cause, except to those natural circumstances which, independently of all ministerial conduct, must have produced them? He, for his own share, had foreseen and predicted them. The credit of the country had only risen to its natural level. As to the pacific disposition of foreign powers towards this country, how was the assertion ascertained? Were their lordships to look at the edicts of the French monarch or the emperor of Germany, as proofs of

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the fact? If we were not engaged in actual war with either of those powers, we were surely engaged in an hostility of commerce, which was no evidence either of our flourishing state, or general tranquillity. Nor did the present state of India, or of the East India Company, give any consolation on the subject. The situation of that country he conceived to be wretched. How else would lord Macartney have refused to accept the government of it? That noble lord would not, he was convinced, have declined it for frivolous reasons. He had not, indeed, when he received his appointment, approved of him as the most proper person that could have been employed; but he well knew his activity and his genius for enterprise; and he was convinced that he would not have been intimidated by circumstances of light concern. As to the state of the East India Company, that had afforded ground for general panegyric. But were the eulogiums so profusely lavished on this topic, as well as on the Commutation Act, well founded? He wished to direct the attention of their lordships to a pamphlet which had been lately published on this subject, entitled, "The Principles of the Commutation Act established by Facts." This pamphlet was the production of no ordinary person, but of a member of the other House, a director of the East India Company, and a person who had been uniformly attached to the interests of the present Administration. The pamphlet might, therefore, be considered not as a Grub-street performance, but coming more immediately from Downing-street. It was the production of Mr. Baring. This pamphlet plainly announced the intentions of Government towards the public: it shewed that the principles of the Commutation Act had failed of success, and exhibited the unpleasing prospect to the nation, of Government being under the necessity of borrowing no less a sum than 3,200,000*l*. If this, then, was fact, where was there room for boasting of a measure which, in its progress, had produced so unhappy an effect? Under these circumstances, he felt it impossible to give his vote in favour of every syllable of the Address, unless their lordships would consent to the omission of the words 'salutary work.'

Lord *Sydney* expressed his hopes that the noble earl would concur with him, that the commercial arrangement which has been submitted to the consideration of the Irish Parliament was founded at least in what properly might be denominated salutary principles. All sides professed a regard for the mutual interests of both countries. So far they were united; and he contended, that this was the salutary motive in which the propositions had originated, how differently soever their lordships might think of the superstructure which had been erected on this foundation. The treaty with Ireland, though suspended for a time, he did not think himself in any respect authorized to say, was finally abandoned. The Parliament of Ireland was still at liberty to resume it. The Parliament of this country might again take it into consideration.

The Earl of *Carlisle* wished that the noble lord would more explicitly describe the intention of Government to revive another system of commercial arrangement between Ireland and this country. Was another mad system to be set on foot? Was the old one to be revived? His Majesty's Speech stated, that no effectual step had hitherto been taken by Ireland, to enable the Parliament of this country to make any farther progress in that salutary work. What did the phrase 'effectual step' imply? Did it mean, that Ireland had it still in contemplation to revive the plan of commercial arrangement suggested; or that this country was waiting in patient expectation, till such time as she should resume the consideration of the measures which, in his idea, she had rejected? Which of these significations was he to adopt? He then adverted to what had fallen from the noble seconder, relative to the judgment which had been displayed by ministers with regard to the objects of taxation. This point of discernment and prudence, he did not think, was as yet sufficiently ascertained. Ministers were not to be tried so much by what was past as by what was to come. And, indeed, he should dispute the wisdom of their government, were he to judge from what had already occurred. Was their conduct respecting India deserving of praise? How had the Board of Control acted with respect to the affair of the nabob of Arcot? Had they not countenanced the schemes of usury intended to be practised against that unfortunate prince, in opposition to the sentiments of lord Macartney, and in express compliance with those of the late Governor, whom they had, notwithstanding, subsequently recalled?

Lord *Walsingham* said, that it was not

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without astonishment and concern that he heard censures severe and unjust levelled against the Board of Control, to which he himself belonged. They had acted with much justice in the business, and, instead of exposing, had in fact rescued the nabob of Arcot from those miseries to which he had been subjected. The description which had been given relative to the state of India, he was persuaded, would be found to be fallacious. There was no ground for alarm. The East India Company, he flattered himself, would be found fully adequate to the demands which would be made on it; and he hoped their lordships would not be misled by any stories which might be industriously propagated to the contrary.

Lord *Stormont* declared, that he could not avoid considering his acquiescence with the motion as carrying to the throne his sentiments of approbation of measures, which, as a friend to this country and to Ireland, he had pointedly condemned. The Speech, as well as the Address, seemed to applaud the commercial arrangement which had been submitted to Ireland, and rejected by that country, as being salutary. This had never been his opinion of the measure, and it was a sentiment which he could not adopt. Whilst, however, he touched on this point, he could not help observing, that the object, which had been uniformly held out during the progress of the business by Administration, had been frustrated. What had been the language of ministers? "Precipitate the business—Ireland is on the tiptoe of expectation." But how had this conclusion of the matter tallied with those arguments of urgency? The facts were now before the public; and what had formerly been only matter of prediction, was now subject of history. As to the Speech, it was a composition, which, from its nature, did not admit of great display of ability. It was too short for such exhibition of faculty. Though it might not, however, possess this distinction, yet there was a species of dexterity employed in the structure of it. Truths were kept out of view, which it might have been dangerous to disclose. This maxim in composition had been religiously adhered to. This, no doubt, was prudent, as there was little to say, and much to shun. Much had been advanced concerning the tranquillity of this country with regard to Europe. It had been denied that there had been any hostility existing between this country and the continental Powers: more, however, was asserted in the Speech; "the strongest assurances of friendly disposition towards this country," it was affirmed, predominated at the present moment. How this assertion could be reconciled with the edicts of France and the emperor of Germany, respecting the articles of commercial intercourse, he was at a loss to devise. He adverted next to the situation of India, and described the necessities of the Company. They had not, he alleged, been able to advance money to pay their army; and he was assured that some of the officers, on this account, had been under the necessity of selling the buckles in their shoes for the purpose of supplying their exigencies. These evils were heightened by the Act which had been passed for the better regulation of India. Of that Act he had uniformly disapproved. He had considered it as ineffectual also in its operation. It was a fetter to honest men, and a cobweb to knaves. It was felt as a grievance by those whom it had deprived of the birth-right of Englishmen; and it was framed in terms so inaccurate, and the inconveniencies, on this account, had been so sensibly felt, that the revisal, if not the repeal of it, would be absolutely necessary. He, as well as others, had predicted the opposition with which it would meet. The establishment of a fund for the payment of the national debt was no doubt an object of great interest. In this point, however, as well as with respect to the marine of the country, he was afraid that the French, our natural enemies, had gotten the better of us in the race. Ever since the conclusion of the war, they had been paying off their debt, by appropriating a large sum for that purpose. They had also directed their chief attention to their marine, and he was afraid that they built ships faster than we did. With respect to the German league, there was a peculiarity in this transaction which merited attention. Ministers had received a communication of the confederacy established in the Germanic body, from the king of Prussia, as elector of Brandenburgh. This, he believed, was the first notification of the kind which had appeared since the accession. There was therefore surely time for pause. A matter of this nature, in which the commercial interests of the nation were so materially involved, merited mature investigation. Avowed concurrence was dangerous; and a silly bow, instead of an explanation of

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sentiment, was the most proper return that could have been adopted. This, however, as the noble lords attempted to prove, from a copy of the reply to the king of Prussia from his Majesty's ministers, had not been the case. They had affected a concurrence of view with him as to German politics; and the event had shewn how unwise the measure had been. Neither could he approve of ministers with respect to the alliance which had been obtained between France and Holland. That alliance had been signed a fortnight previous to the memorial from this country in opposition to it. In short, every barber and porter at the Hague knew of its existence before we took the least notice of it. How this could be explained, unless by the absence of the Secretary of State for Foreign Affairs, he was at a loss to determine. The fact, however, could not be questioned. Foreign alliance he had ever considered as essential to the existence of this country. Whilst foreign powers were engaged in this work, he hoped that his Majesty's ministers had not been inattentive to it. He had heard that various treaties were in speculation, and that one with Russia was more particularly intended. This idea, he hoped, would be realized. He had ever considered a connexion with that growing empire as a corner-stone of the fabric, and would be happy to see it effected, as it might lead to another with Denmark. Difficulties would, doubtless, attend a commercial arrangement with France. He would warn ministers of its danger. A reduction of duties and an open trade might produce distressful effects. It would hurt our trade with Portugal. It would hurt the distilling of liquors in this country. It would of course affect the landed interest, and be productive of very bad consequences in this point of view. Touching the interests of so many, it probably would prove an object too delicate for the attention of ministers and the public at large. In conclusion, viscount Stormont expressed his determination to vote against the motion.

The Marquis of *Carmarthen* declared, that he felt neither difficulty nor reluctance in giving the noble viscount the satisfaction to which he considered him entitled. He felt himself, at all times, responsible in his situation; but whether his official capacity compelled him, on all occasions, to answer inquisitive interrogatories, or to obviate curious and frivolous objections, he would leave it to their lordships to decide. There were two points on which he had charged ministers with a defect of duty: they related to the Germanic league, and the commercial treaty between France and Holland. With regard to the first of these, he wished to bring it to the recollection of the noble viscount, and to submit the paper from which the quotation had been made, to their lordships, whether the propositions which he had therefrom attempted to substantiate, were proved. The fact was the very reverse. It was nothing new for one Court to return an answer to the communications of another. This was all which had been done in the present case. But what had the answer been? Not the answer which the noble viscount had attempted to draw from the premises. It did not contain those expressions of cordial concurrence which had been alleged, but was, in fact, something similar to what the noble viscount had described it ought to have been; a polite acknowledgment, a bow on paper, for the information which had been received. Yet supposing that all which the noble viscount had advanced were admitted, how did it apply to the general prohibition of the emperor of Germany? Where was the link of connexion? That prohibition affected other kingdoms as well as Great Britain; and to allege that it was an act of retaliation on this country, was equally unfounded and preposterous. With regard to the other point, the noble viscount was equally mistaken in all his allegations. His Majesty's ministers had not, as asserted, been strangers, *ab initio*, to the origin and progress of the treaty between Holland and France. They were acquainted with it in all its stages. But could the noble viscount shew that the memorial presented by his Majesty's ministers bore any allusion to the treaty which took place, or was intended any how to thwart it? The contrary was *primâ facie* the case. To assert, therefore, that ministers had been defective with regard to their duty on such grounds, was impeachment without proof, and assertion without foundation.

Lord *Loughborough* observed, that it had been asserted, that the continuance of ministers in place was one of the chief grounds of complaint against them. They had challenged inquiry—they had attempted vindication. He would bring them to the test of their own criterion. Did the measures which they had adopted justify their pretensions to wisdom? There

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were various points which proved the contrary; the Commutation Act was one; the India Bill another. The former was only intended to prepare the way for a large demand on the public, to rescue the East-India Company from disaster, as their speculation with respect to the tea had failed, and they must be supplied with cash to answer the demands on them. As to the latter, the grievances of it had been felt agreeably to every wise prediction on the subject. The officers commanding an army of 50,000 men, and the civilians throughout all Hindostan, had felt themselves used as scoundrels, and it was no wonder that they had become clamorous. A repeal of that Bill must, no doubt, take place, not only on account of its oppression, but also on account of its inaccuracies, which, he alleged, had nearly overset the government of the country. Were there, then, grounds of panegyric? Did these measures form the laurels of praise around the heads of the present Administration? He was satisfied that the contrary must become evident to the calm, impartial opinion of their lordships.

The *Lord Chancellor* contended, that their lordships were nearly united in opinion with respect to the propriety of the motion. Why, then, indulge an unnecessary and a frivolous humour of bringing into discussion questions which were not before their lordships. Much idle declamation had been used by the noble lord who spoke last. He had dragged into discussion questions which were not before the House. He had arraigned ministers; he had impeached measures without the shadow of reason; he had been profuse in his allegations; he had been lavish in his epithets; but what were epithets? When the points which the noble lord had gone over were fairly under the review of his lordship, he assured him he would meet him on the ground; he would not flinch from the contest, and it would then be known whether his epithets contained all that weight which he wished to give them. As to the scheme respecting Ireland, there was an apparent triumph in the appearances of not a few, that the measure had failed. But in what principle this triumph was founded he could not easily conceive. Much had been said about the edicts of the Emperor and the French Court, relative to the articles of commerce with this country. These, however, he was far from considering as a species of hostility. They were, on the contrary, only intended to promote the manufactures of those kingdoms in which British manufactures had formerly obtained; and to allege, that a kingdom encouraging its own arts, though at the expense of those of another nation, was hostility, seemed absurd in the extreme.

The Earl of *Hillsborough* contended, that the propositions submitted to the attention of the Irish Parliament never were rejected. The Bill had been read and ordered to be printed; there the matter rested, and the measure might no doubt be revived. He recommended a union with Ireland as the best method of connecting and consolidating the interests of both kingdoms. This union was more especially enforced by the consideration, that in the event of war, the commencement of hostility would be in Ireland.

The Address was then agreed to.

The King's Answer to the Lords' Address.] To the Address of the Lords his Majesty returned this answer:

"My lords; I thank you for this very dutiful and loyal Address. I receive with great satisfaction your assurances, that you will give the strictest attention to the important objects of national concern which I have recommended to your consideration."

Debate in the Commons on the Address of Thanks.] The King's Speech having been read from the chair,

Mr. *John Smyth* (the member for Pontefract) said, that the pleasure with which he rose for the purpose of moving an Address of Thanks to his Majesty, for the gracious Speech which he had been pleased to deliver from the throne, was enhanced by the conviction that it stood, in every passage, so totally secure from all justifiable objections, as to establish the fullest claim to the unanimous approbation of the House. Under this idea, he should have felt it highly proper to leave the Address, which he designed to take the liberty of proposing, standing upon the firm basis of its own merits, did not the respect due to those in the presence of whom he had the honour of speaking, call upon him, in some measure, to describe the motive for his rising. He should have felt a difficulty in remaining silent, while impressed with the opinion that the sentiments delivered from the throne must deeply affect the feelings of all Englishmen, who, placing a right value upon their

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mutual enjoyments and advantages, as fellow-subjects, were anxious for the most extended increase of the happiness and the glory of the British empire. Nor could he, upon this occasion, suppose that every member of the House was not eager to participate with him in his joy at hearing the confirmation of the calmest existence of peace throughout the states of Europe; and of the amicable disposition with which the foreign powers seemed glad to turn their general attention to Great Britain. Attachments of this valuable kind from the surrounding nations, might be considered as the forerunners of blessings yet to issue from the introduction of peace; as the promisers of a still more extended and rapidly-accumulating commerce; as the earnest of the invigorated state and augmentation of the revenue; and as the harbinger of the firm establishment and affluent increase of public credit. Even in the example wherein success had not totally kept pace with natural expectations, though the commercial intercourse with Ireland was not yet settled upon the liberal and equitable plan which was completed in the last session, the majority of the House were not destitute of the comforting recollection that they had followed up all possible expedients to demonstrate the affectionate liberality of their attachment to a sister-country, and their anxious desire to throw open to her an unequivocal participation of every commercial benefit with Great Britain; a participation of which the leading object was to preserve inviolate the rights of either kingdom. Sensible that, from our naval strength, the first and most irresistible palladium of our country would certainly arise, he could not avoid turning with the most heart-felt satisfaction to that passage in the Speech from the throne which so expressively recommended the maintenance of a powerful marine establishment, because he considered it as a circumstance which must occasion rival nations to feel a proper awe, and to offer us, for their own sake, every due tribute of respect. He scarcely felt it needful to declare that the fixed plan for the reduction of the national debt was thoroughly intitled to an immediate, strenuous, and effectual adoption; and the rather as the most flattering prospects of lowering it to a sum much less considerable were now in view, whilst commerce, vigorous in its revival, was seen to flourish through a variety of highly profitable and extensive channels. Under these circumstances, the minister who could summon up the virtuous and and truly politic intrepidity to conceive and fully execute a plan for lessening, in a great degree, the amount of those millions which the country owed, must deserve, and ought certainly to receive the countenance and approbation of his sovereign and of his fellow-subjects. His chief aids, in this important, this patriotic measure, must unavoidably connect themselves with the sinking fund: and, surely, the people would never murmur at the slightly-increasing impositions of some moderate and equitable taxes, when they discovered that it led, unerringly and rapidly, to the attainment of so desirable an object. He concluded by moving,

"That an humble Address be presented to his Majesty, to return his Majesty our most humble thanks for his most gracious Speech from the throne: To express our satisfaction that the disputes which appeared to threaten an interruption to the tranquillity of Europe have been brought to an amicable conclusion; and, that his Majesty continues to receive from foreign powers the strongest assurances of their friendly disposition toward this country: To assure his Majesty, that we are deeply sensible of the blessings which we experience from the enjoyment of peace, in the extension of trade, the improvement of the revenue, and the increase of the public credit of the nation; and that his Majesty may rely on the utmost exertion of our zeal and industry for the farther advancement of these important objects: That, in order to promote, as far as in us lay, the common interests of all his Majesty's subjects, we humbly laid before his Majesty, in the last session of parliament, several resolutions, as the basis of an adjustment of the commercial intercourse between Great Britain and Ireland; but that, as no effectual step has hitherto been taken thereupon by the Parliament of that kingdom, we do not find ourselves at present enabled to make any farther progress in that salutary work: To express our gratitude for his Majesty's gracious assurances of his earnest wish to enforce economy in every department; and our readiness, at all times, to make such provision as may be necessary for every branch of the public service, particularly for the maintaining the naval strength of these kingdoms on the most secure and respectable footing: That, as we are fully impressed with the necessity of establishing a fixed plan for

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the reduction of the national debt, we shall lose no time in entering on that important consideration; and that it will afford us the most solid satisfaction to find that this most desirable object may be attained with little addition to the public burthens: That the vigour and resources of the country so happily manifested in our present situation must give encouragement and confidence to all his Majesty's subjects; and cannot fail to animate our exertions in endeavouring, by a continued attention to the security of the revenue, and the extension of trade, to confirm and improve the increasing prosperity of the empire."

Mr. *Addington*, in seconding the Address, remarked, that he did not entertain a doubt but that the House would unanimously receive the motion of his hon. friend; aware of the impropriety of objecting to return their most grateful thanks for a speech in which his Majesty had been graciously pleased to assure them of the continuance of their enjoyment of peace, and its attendant blessings, and in which he asked for little more than economy and regulation. That the felicities of peace were already in our possession, appeared from the extension of trade, the improvement of the revenue, and the increase of the public credit. And surely the House must feel the necessity of paying the most zealous attention to the furtherance of objects, so immediately conducive to interests so powerfully interwoven with their own. Yet, certainly, although feeling just cause for exultation in the enjoyment of these happy consequences of the peace, they all lamented the unfortunate jealousies and ill-founded alarms which occasioned the sister kingdom to reject a plan of commercial intercourse calculated to have admitted her to a participation of the same advantages. He trusted, however, that the time was not far distant, when the arrow of prejudice would have spent its force, and the misconceived idea of any design in the British Parliament to resume the legislative rights of Ireland, or in any degree trench upon its independence or constitution, would exist no longer. While he considered the present prosperous situation of public affairs in its most pleasing state of contrast to their former alarming condition, he trusted that even the innocent instruments of incurring those burthens, with which the country had been loaded by the heavy expenses of the late unfortunate war, would join in the general joy at the happy change of circumstances, and cheerfully co-operate in endeavouring to alleviate the public burthens by every means which either economy could dictate, or the wisest management effect. The great points recommended in the Speech, all went to the necessary and invigorating revival of that constitution, the fabric of which had not long since tottered, and experienced the danger of being shaken to its foundation. He was persuaded, therefore, that every gentleman would feel it to be a common cause, and not hesitate, on the present occasion, to give his unanimous support to the Address. For his own part, he did not consider it in the least requisite to place a watch upon the emotions of private friendship, because the commendation which it behoved him to bestow was due to the public conduct of the minister, and consequently stood distinct and separate from his partialities for the man.

The Earl of *Surrey* observed, that he could not subscribe to the extravagance of the panegyrics pronounced by the two honourable gentlemen; much less could he join in complimenting the right hon. gentleman now at the head of the national affairs. He had declared, when the administration first came into his hands, that he had no confidence either in him or his coadjutors in office. His opinion had not been in the least altered by recent circumstances, but, on the contrary, confirmed and established. So far from thinking him deserving of his confidence, or that of the hon. gentlemen with whom he acted, he had every reason to conclude that the confidence of those gentlemen, who had hitherto supported the minister, ought now to be withdrawn. Those measures which the right hon. gentleman had too successfully brought forward, were bad measures in themselves, and ought never to have been proposed: while such of his measures as were deserving of success, had uniformly failed, which was, to his mind, an unanswerable proof of his incapability as a minister, and of his lost claims to the confidence of that House. The right hon. gentleman's first measure, had been his India Bill, which, instead of securing peace and order in India, had excited the most violent discontents. The second measure of the right hon. gentleman had been as wise a one as had ever been brought forward by any minister, and in which he had himself joined and endeavoured to support him most heartily: the attempt to effect a reform in the representation of the people.

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The right hon. gentleman's failure in that measure, and his want of power to carry it, convinced him that he was unfit for his situation. The other measures of the right hon. gentleman had been, in his opinion, unwise and mischievous in their tendency, as well the oppressive taxes he had imposed, as the resolutions for the adjustment of a commercial intercourse with Ireland, brought forward in so strange a manner, and giving so much disgust to both countries. It appeared extraordinary, that an allusion to those resolutions made any part of the Address. What necessity existed for mentioning them at all, after the declaration from the throne, that they could not do any thing respecting them? It seemed by no means proper for the House to say any thing upon the subject; and therefore he should move, by way of amendment, to leave out the whole paragraph of the Address alluding to the Resolutions in question. With regard to the surplus of the revenue, he could not, for one, admit that ministers deserved the credit of it; and, though ready to acknowledge, that economy was a proper object of attention, he did not think that the measures of the minister were equal even to assurances that he honoured it with his attachment. Was the maintaining an ambassador to Madrid at a large expense for two years together, during all which time he had never once been in Spain, a proof of the economy of Administration? Or was the having two ambassadors upon separate establishments at Paris to be considered as its test? Possibly the right hon. gentleman who was appointed the new ambassador, with new powers, and whom he did not then see in his place, [A loud laugh, Mr. Eden sitting upon an opposite bench.] could convince him that he was in an error, in thinking that two ambassadors to one Court was neither necessary nor economical; and perhaps the same right hon. gentleman would state, that he had been furnished with reasons to induce him to give his confidence to that very Administration. Not finding the right hon. gentleman, his late political friend, upon the bench where he once sat, and from whence he had declaimed so ably against the measures of the minister, he could scarcely believe, in spite of recent circumstances, that he had changed his place. By maintaining our naval strength, he hoped it was not meant, the confining our navy to its present establishment, or governing it by what it was in 1748, or at the end of the war before the last; but that, keeping in view the number and strength of the navy of the House of Bourbon, we should take care to make our marine prove at least equal to theirs; since upon that circumstance alone depended our security. If this was to be understood, he should not object to that part of the Address, though he owned he should have been far better pleased, if the recommendation of maintaining our naval strength on a respectable footing, had been accompanied with a declaration that the standing army was to be reduced. He saw no occasion whatever for keeping up as large a military force during a state of dismembered and diminished empire, as before such diminution took place. He did not mean to object to any part of the Address, except the paragraph which mentioned the Irish propositions, the whole of which he moved, by way of amendment, to omit.

Mr. *Fox* declared, that of all the speeches from the throne which he ever remembered to have heard delivered at the opening of a session of parliament, of all the speeches of that kind which he had ever heard of by relation, or read of in history, he did not recollect to have met with an instance of one so cautiously worded, or that afforded such little ground for objection of any kind. He rose, therefore, to speak to what was out of it, rather than what was in it; to that which perhaps ought to have been there, rather than to what was there. The propriety of a minister's contenting himself with addressing a British parliament from the throne, with general ideas of the political situation of a country, instead of specifically adverting to facts and circumstances, which deeply and materially concerned its first and dearest interests, relatively considered with those of other states, would be for others to judge and to decide upon. It was enough for him to say, that there were so many matters pending, and so much had been lately done by foreign powers, the consequences of which might more or less critically affect Great Britain in proportion to the measures that his Majesty's ministers had pursued; and, indeed, upon the ground of these transactions, that he had looked for something more than vague assurances of the tranquillity of Europe, and had expected his Majesty's Speech would have given that House a variety of lights upon a variety of great and important subjects,

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intimately connected with the future prosperity or ill fortune of the empire; upon all of which the Speech left the House in utter and impenetrable darkness.

With regard to the extension of trade, the increase of the public credit of the nation, and the growing surplus of the revenue, those were circumstances in which every man must rejoice; and at which no party, no political faction, no set of persons of any name and description whatever could suppress their exultation, because they went to prove, what must be to all ranks of men and all political parties, a matter of solid satisfaction and unrestrained triumph, the returning vigour of our resources. But, were these matters of surprise, were these circumstances to cause astonishment? Undoubtedly they were not. Almost every man knew there would be some surplus; almost every man expected it; they only differed about the amount of that surplus, one gentleman alone excepted, who had certainly contended, and had endeavoured to prove, that there would be no surplus: but that gentleman had probably been since convinced of his error, had retracted it, and as every man of candour would do, he had no doubt he was ready publicly to acknowledge that retractation. That there would be some surplus, he had always admitted: what that surplus was, he would not then attempt to enter into the discussion of. Indeed, it was not possible till he knew it, till he had it stated to him, and its amount was fairly before him, and capable of argument and of investigation. He would not assert to what the signs of returning vigour were ascribable; that might be matter of much useless difference of opinion; several of them might be owing to the success of some of the measures of the present Administration; he would not be so uncandid as to deny that they were; but more, far more, he believed, were owing to the failure of others of their measures, which, had they succeeded, must have been attended with consequences the most fatal to the revenue, and to the national credit and prosperity, that could possibly be imagined. Nothing but the alarm and disgust created by the agitation of those bad measures could have so long kept back the returning trade of the country, the natural consequence of peace, and which ever had been the case at the end of every war before the last. Those alarms and disgust had been done away, in a great degree, by the failure of the measures to which he alluded, and the tide of trade was now returning to its old and natural channel.

For his part, he certainly should not object to the Address in general, though he might probably vote with his noble friend for his amendment; but there were two matters of considerable importance, which, in one instance, arose out of the wording of the Speech, in its first paragraph, and in another, was mentioned in a subsequent part of it, upon both of which he must say a few words, and expect to receive some answer; whether satisfactory or not, the event would prove. What he meant was, to inquire what sort of construction, whether a broad or narrow one, was to be put upon that part of the Speech which related to the tranquillity of Europe, and stated, that his Majesty continued to receive the strongest assurances from foreign powers of their friendly disposition towards this country. He wished also to know what was meant by the manner in which the resolutions relative to an intended adjustment of a commercial intercourse with Ireland was mentioned, and whether they were to understand, by being told from the throne, that they were incapable of making any farther progress in the work, that the resolutions were completely abandoned and given up, or that they were to be revived, and endeavoured to be carried into effect at any future period of time? On both these points it was exceedingly material that such information should be given, that each might be clearly and precisely understood. With regard to the first, if the mention of the tranquillity of Europe alluded only to the end that had been put to the threatened war between the Emperor and the United States of Holland, in that case the construction was too narrow, and his Majesty's ministers greatly undervalued the information of that House, and not of that House only, but of every man who read or attended to the political transactions of Europe, and who was at all aware of what passed on the continent, the different treaties lately entered into by different foreign powers, and the conduct which ought to have been pursued with a view to counteract the operation of those treaties, and transactions, as far as it was likely to prove prejudicial to the interests of Great Britain. He was aware, that not being a minister, he had it in his power to speak in a style, in which it would be highly imprudent for his Ma-

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jesty's ministers to express themelves; and as the matters that he should have occasion to treat of, were of infinite consideration, he should endeavour to make himself as well understood as possible. With respect to the naval force of this country, and what ought to be the criterion of its number and strength, his noble friend had mentioned only the naval force of France, forgetting that France was but one branch of the powerful confederacy of maritime powers, that had been entered into with a professed hostility to Great Britain; for though all treaties were avowedly treaties of a defensive nature, and entered into upon a pretence of mutual defence, every man who knew any thing of the meaning of treaties, knew that their true intent and purport was offensive to all who, in the opinion of the contracting parties, took any measure considered as inimical to the interests of either of them. The treaty, therefore, which the House of Bourbon had persuaded the United States to enter into with them, and which effectually secured Holland in their hands, was to be considered as a treaty hostile to this country, inasmuch as it combined three of the most powerful maritime powers of Europe in a confederacy against Great Britain. That it was unadvisable and impolitic for the United States to enter into any such treaty, he verily believed; but, as the treaty was made and executed, it behoved our minister to be vigilant and assiduous in engaging in some alliances with other European maritime powers, whose connexion and support might enable us to counteract the mischievous tendency and effect of the operation of the confederacy in case of a war with either of the contracting powers. In explanation of the consequences to be dreaded from this confederacy, he should beg leave to remind the House, that our late war with France had been purely a maritime war, as we had carried on no military operations by land, excepting only against our own subjects in America; and this, surely, afforded arguments to shew the extreme and urgent necessity for our forming a close and intimate alliance with the Court of Petersburgh; and doubtless, if the two Cabinets properly understood the relative interests of Great Britain and Russia, and how much they were by the character, commerce, and situation of each mutually involved, and naturally combined, they would lose no time in the negociation of such a treaty. Two years ago a crisis was formed, of which this country ought to have taken advantage, and which he had, at the precise moment, pointed out in that House. Many gentlemen might recollect the moment to which he alluded was that, when the Empress of Russia had settled her differences with the Porte, on the subject of the Crimea. Though it had been admitted on all hands, that the settlement of those differences respecting the Crimea had formed the crisis he talked of, and that the most glorious opportunity had been afforded for Great Britain to help herself, had the circumstance been managed with dexterity, nothing had yet been done. The recent advantage France had acquired as a maritime power, by obtaining possession of a port in the Baltic, should, if possible, have been prevented.

In one situation of affairs, the possession of Gottenburgh, it was true, France could make but little use of it; but, in case of a war, the advantage must be prodigious to her. Let gentlemen recollect, that in all her wars, France had been most embarrassed by her continental situation, and the dread of an attack from the neighbouring powers; the whole of her policy, therefore, had been directed to engage them in such a manner, as to add to her security; and hence it was, that during her last war, she had been able to render her maritime force so respectable and so powerful, because she had no occasion to give her attention to the strengthening of her frontier towns, the adding to her internal fortifications, the recruiting her garrisons, and all that variety of considerations necessarily kept alive, while it appeared possible for her continental neighbours to seize the opportunity of profiting of her being engaged in hostilities at sea. Nay, she was even able to aid her resources by a reduction of her army in time of war, and apply the saving to the increase of her maritime strength. What was the case at present? France was safe by her family compact, as to any fear from Spain; and she had by the late treaty quieted all possibility of dread from Holland, which, indeed, had never been very powerful by land. Her only cause of alarm, therefore, was the Court of Vienna, and that, notwithstanding all former assurances of good fellowship, and notwithstanding the still more endearing bonds of connexion cemented by family union, was a constant and serious source of alarm; but that cause of terror we had put to rest, having given his Imperial Majesty great

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disgust, and rendered his feelings adverse to Great Britain. All this had arisen from the part which the Elector of Hanover had taken in joining the Elector of Saxony, and other Germanic princes in the league founded on the plea of preserving the liberties of the Empire. The safety of France by land was effectually secured by the effect of that league on the mind of the Emperor, and we should find her hands strengthened considerably in any future war in which we might be engaged with her. France had nothing to wish for before that league was made, but that some circumstance or other should happen to create a jealousy and dislike of Great Britain in the Emperor. That circumstance we had ourselves provided, and provided gratis, at a moment when France would have paid us any price for it, far more than she had expended in bringing about the peace between the United States of Holland and the Emperor. The most sanguine dreamer of national good fortune could not have pictured to himself the possibility of such a prosperous event in favour of France.

One circumstance looked propitious to this country, which he had heard from such authority as he could rely on, and therefore he would mention it. At the same time he did not doubt but the right hon. gentleman, as a minister, was aware of it; but as it was a favourable omen for Great Britain, he was glad to be the person to announce it in that House, and that was, that there now offered a good opportunity for renewing a treaty of commerce with Russia, and that it was in a fair way to be renewed with success. He well knew the fashionable mode of calling treaties commercial, and treaties political, distinct and separate sorts of treaties; but he was not to be blinded by any such new-fangled and ill-founded distinctions; treaties of commerce entered into between two countries always had influenced their politics in a very great degree, and he had not a doubt but a treaty of commerce, entered into between the Court of London and the Court of Petersburgh would have its due and salutary effect politically as well as commercially; he was, therefore, extremely glad of a circumstance so promising to the interests of both countries.

To the mention, however, that the treaty was likely to go on between Russia and Great Britain, he thought it fair to add, that he had heard Russia would, at the same time, enter into a commercial treaty with France; of that, he had received his information from a very different quarter, from an authority not equally good, as that from which he had heard the other; and therefore he hoped, and believed, that the information was ill founded. He had no opinion of any good resulting to this country from a commercial treaty between Great Britain and France; and his reason for not thinking that such would be its effect, was, that the experience of past times proved, that this country had grown great, prosperous, and flourishing, from the moment that she quitted all her commercial connexions with France. He expressed his strong disapprobation of the idea of putting the country to the expense of two different establishments for two different plenipotentiaries to Paris, and contended that it was idle and unnecessary. There were two ways of doing the business of this commercial treaty, and finishing the negociation of it. Either the noble duke (of Dorset) now there might do it, or a person like Mr. Crawford, who had been employed already, might act under him. At any rate, he declared he saw no reason for sending out a gentleman, whose rank in life rendered it improper for him to act in a subordinate capacity. The right hon. gentleman at the head of the Treasury, had undoubtedly chosen a gentleman (Mr. Eden) for the office of extra plenipotentiary, who knew somewhat more of the details of trade and commerce than he did himself. That the right hon. gentleman was better acquainted with commercial concerns, the last session had well convinced the minister on more than one occasion; but still he saw no reason for employing even that right hon. gentleman's talents on the subject, and he feared the appointment had rather been made out of respect to the person, than from any necessity for the exercise of the right hon. gentleman's abilities in the way in which they were to be employed. The new Board of Trade, which was undoubtedly composed of men of great abilities and consideration, and men of higher rank than the members of the old Board of Trade, were the most extraordinary timists, if he might so call them, that ever existed. Last year, after the propositions had come over from Ireland, and just as the British Parliament was called upon to vote them, the new Board of Trade proceeded to inquire whether the propositions were such as were fit for either country. In the case of the commercial treaty, they were

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equally singular in the time of their sending out a person with proper powers to negociate it. By the treaties of 1782, a treaty of commerce was to be negociated between this country and France, on or before the 1st of January, 1786, and from that day all negociation was to be at an end. Now, therefore, when the time of negociation was past, the new Board of Trade were busy with the subject, and they were about to send out a negociator. He supposed no step had been taken nor scarcely any progress made within the time prescribed by treaty. A second proof of the bad timing of our political proceedings was, that sir James Harris had presented a memorial to the States upon the subject, but unfortunately not till after the treaty was concluded. When he read the memorial, he pitied the situation of sir James, as he could from his own knowledge declare, that Great Britain never had a more respectable, a more able, or a more active and accomplished ambassador at any foreign court whatever.

As to the state of affairs in India, ever since the Board of Control had been established, a dark veil had been carefully drawn over all that had passed in that distant part of our dominions, and he verily believed not without good and sufficient reason; secresy, he was persuaded, was the only safeguard for the conduct of the commissioners, whose orders had added to the confusion of our affairs in India, rather than produced any one salutary effect in the British possessions in that quarter of the globe. Let the minister declare, whether after all that had happened, he would still venture to talk of his East India Bill in his usual tone of triumph? Every man was pardonable for entertaining a speculative opinion of the probable good effect of any measure of his own before it came to be tried; but no man ought to be allowed to indulge himself in expressions of self-praise, which experience had proved that he by no means merited. His India Bill had been attacked on the ground of its taking away the charter of the East India Company, after proof of its having been grossly abused; but the right hon. gentleman's Bill did what was ten thousand times worse; it took away the unalienable rights of individuals, and deprived British subjects of their birth-right, the right to trial by jury, and of trial by their peers; a right secured to every Englishman by the great charter of our liberties. The clause obliging all the servants of the Company who came from India, after a certain period to give an account of their fortunes on oath, was most unjust and delusive. It held out protection and security to the rich, while it obliged the poor to submit to its severest operation; it gave all that wished not to submit to it three years to return home in; and this the opulent, and the opulent alone, could take advantage of. As to the boasted accounts of the promising state of the revenues of India, instead of only 1,400,000*l.* deficiency, they would now, he believed, find not mere errors of fractions, but errors of millions. He said, that lord Macartney had acted throughout the whole of his stay in India upon the most upright principles, and had come home with hands perfectly clean and unsullied. His lordship, from a conviction of the necessity of the measure, had taken the collection and management of the revenues of the Carnatic out of the hands, not of the Nabob, but of his agents and usurers, who plundered the natives and robbed him, and had vested both in the hands of the Company. This measure the Board of Control had overthrown by their orders, and directed the collection and management of the Nabob's revenues to be restored to him. The fatal effects of the order had spread alarm and terror through the Carnatic, and impressed the council at Fort St. George with so strong an idea of its impropriety, that lord Macartney went himself to Calcutta, to remonstrate with Mr. Hastings, and to deprecate the consequences. Let the House guess the surprise of his lordship, on finding Mr. Hastings departed for Europe, and a commission there appointing him governor-general, a situation it was impossible for him to accept, while the order to restore the collection and management of the Carnatic revenues to the Nabob continued in force. How absurd was it to remove the governor-general, who recommended the measure lord Macartney had reprobated, and appoint his lordship to the post of governor-general with orders to do, what he himself had found to be equally unwise and mischievous to the interest of the Company and the interest of the Nabob, and had condemned? Mr. Fox gave the highest encomiums to lord Macartney, and, before he quitted this part of the subject, declared he did not speak from any authority derived from lord Macartney, nor did he wish to be understood, that what he had

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said was any thing more than what he, in common with the rest of the public, knew and was acquainted with.

The last point Mr. Fox brought under his discussion was the business of the Irish Propositions, respecting which, as he had before observed, he said it was highly necessary that parliament and the public should clearly know what was intended. He reminded the House, that when the subject was first started, the right hon. gentleman, in some of the most vehement strains of his all-powerful eloquence, had condemned the noble lord in the blue ribbon for having given Ireland certain grants, without having first asked her whether they would be acceptable, and for having left matters as they stood when the propositions were first taken up, the right hon. gentleman having again and again told the House, 'it was impossible they could remain as they were.' He desired to know what was the true construction and meaning of that part of his Majesty's Speech then under consideration, that mentioned the resolutions, but a declaration to that House, that matters must remain as they were; Mr. Fox dwelt on this for some minutes, and with great force of ridicule animadverted on all that had passed upon the subject, and especially on the language that had been held by the minister and Mr. Dundas, upon the propriety of the line of conduct that had been pursued, in first taking the sense of the Irish Parliament in order to ascertain their expectations, before the English Parliament were called upon to consider the subject. He urged the flat contradiction that the event of the business had given to all their predictions respecting its success, and stated in strong terms the mischief that he conceived the agitating the matter at all, had done, by disgusting the manufacturers of Great Britain, and teaching them that the House of Commons would disregard their petitions, stating their dread of the mischievous consequences to their several branches of manufacture, were the intended system carried into execution. As the best means of checking the evil, and preventing the effect of having ever entered into a discussion of points, which, he said, he was convinced ought never to have been disturbed or brought before the public, he advised the minister explicitly and unreservedly to declare his determination to abandon all further thought of attempting to carry a measure so odious and detestable in the eyes of the manufacturers and merchants of Great Britain and Ireland. He spoke of the manufacturers in terms of the highest respect, and declared he was satisfied that to their ingenuity and industry, and to their spirit and perseverance, the country owed its exaltation to the state of respect, character, consideration and prosperity, to which its trade, manufactures, and commerce, had been raised in the eyes of all mankind. He took notice of the reasoning used by the Secretary of State for Ireland in his celebrated letter to his constituents, in recommendation of the propositions, on the ground, that as the British manufacturers considered the grant of the propositions to Ireland, to be highly injurious to their interests they must necessarily be advantageous in an equal proportion to the interests of the Irish manufacturers, as an argument perfectly sound and forcible in itself, but as an argument extremely humiliating to the British ministers, and which placed them in a very contemptible light.

After remarking upon this, and a variety of other facts and observations, Mr. Fox briefly recapitulated the heads of his speech, which he admitted was rather a series of reasoning against what was out of the Speech than against what was in it, and sat down with desiring an explanation of the two main points of the Speech to which he had alluded; declaring, that if they were satisfactorily answered, he would give the House no more trouble on that day, though most of the topics he had touched upon, would, he observed, require a full discussion on a future occasion in the course of the session.

A short interval of silence having taken place,

Mr. *Pitt* rose and said, he had refrained, during some moments, from troubling the House, expecting, but in vain, to hear (what certainly had not fallen from the right hon. gentleman who spoke last) objections against the Address. He could not avoid bearing testimony to that peculiar and almost instinctive dexterity with which the right hon. gentleman was enabled, on all occasions, to leave out of the discussion such parts of the subject as were unfavourable to him; and he enjoyed, at the present juncture, equally an opportunity of admiring a similar talent of introducing, however foreign and unconnected, such matter as he expected would be favourable. Thus did he entirely abandon the various subjects of the Speech, in order

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to discuss some that were, as he complained, omitted. The right hon. gentleman's sentiments with respect to the situation of the country, being rather of a desponding cast, he had, no doubt, an expectation of finding something in the King's Speech presenting him with an opportunity of indulging his melancholy feelings on the state of public affairs; but perceiving every part of the Speech filled with the happiest intelligence, he had been obliged to travel into foreign countries in pursuit of his object. He had traversed the empires of Germany and Russia, he had visited Turkey and the Crimea, for this purpose; but, considering, like other modern discoverers, Europe as too narrow for his inquiries, he had carried his speculations to the remotest parts of the globe, and ransacked the Indies for sources of complaint and of despair. Although he by no means intended to follow the right hon. gentleman in his deviations from the subject as largely as he had set him the example, he should yet make some answer to each part of the right hon. gentleman's speech.

The right hon. gentleman had acknowledged that he considered himself at liberty, in his present situation, to speak of foreign Courts, and their views and interests, in a manner, to which his Majesty's ministers were, by a sense of duty, prevented from recurring. For his own part, although ready to admit, that there was a stronger and more sacred restraint on those who were in the immediate confidence of his Majesty than upon other gentlemen, yet he must also observe, that the duty of members of parliament, although in some, from their additional character of ministers, it might differ in degree, was, in general, of the same nature with respect to all; and that part of his duty, which enjoined a delicacy and caution, when speaking of foreign states, was one from which he would not suffer himself to be diverted. The right hon. gentleman had desired to be informed to what particular head of continental politics that part of his Majesty's Speech alluded, which announced the project of a general peace. He could take upon him to say, that it solely related to that particular transaction, which had taken place since the conclusion of the last session, the treaty of peace between the Emperor of Germany and the States-general of the United Provinces, by which a dispute was terminated that until then seemed to threaten the peace of Europe. As to the question, whether there did not exist between any other princes or states of Europe such seeds of disagreement and ill-humour, as might probably break out into future animosities and wars, that was a subject on which he thought proper to decline giving any opinion whatever. The right hon. gentleman had signified his apprehensions of a hostile disposition towards Great Britain in certain Courts of Europe; and to this he could answer, in terms similar to those contained in the Speech, that there was every assurance of the most friendly intentions from them all. With respect to the treaty with the Empress of Russia, it was in a state of forwardness, and he had every ground to hope would be completed in such a manner as would give general satisfaction. The German confederacy, to which his Majesty, in his capacity of Elector of Hanover, had acceded, had also been mentioned, and ministers were loudly told that they must step forward as the vindicators of its propriety. He should by no means take upon him to make such a defence; as he was ready to confess, that whatever might prove either the merit or demerit of that measure, he and his colleagues were by no means entitled to pride themselves on the former, or reduced to the necessity of taking shame to themselves in consequence of the latter. As to the connexion with Hanover, however accident had placed the sovereignty of that country and of this in the same hands, it by no means followed that the interests of each must necessarily be the same; though he was willing to admit, that from the circumstance of their having one and the same sovereign, it was likely that their interests might sometimes be parallel, when without that circumstance they might prove different, and perhaps it might advance their mutual advantage to make their interests as reconcileable to each other as possible. Yet he desired to have it understood, that Great Britain was by no means committed or bound by any league lately entered into by the Elector of Hanover; nor did he look upon it as incumbent on the ministers of this country to lay before Parliament, except in cases of necessity, such arrangements as may have been made for Hanover, by the advice of the ministers of that electorate. What could equal the inconsistency of the right hon. gentleman's apprehension of our being involved in difficulties through the means of his Majesty's

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German territories, and yet his expecting, that the administration of those territories should be subordinate to, and regulated by the minister of Great Britain, as if that very circumstance would not of itself render it absolutely necessary that this country should on all occasions consider itself as bound to protect and assist the electorate! Whereas the only way for Great Britain to avoid embroiling herself in quarrels for Hanover, was by our administration standing as much as possible independent of Hanoverian politics.

With respect to the situation of India not being touched upon in the Speech, he apprehended that the right hon. gentleman might as well have objected to a similar omission concerning any other of the foreign possessions of the empire. The complaint was, that our Indian affairs had not been mentioned, as in former speeches, ever since the appointment of the Board of Control. The reason of this was perfectly obvious. It was, that so many errors and miscarriages arose formerly out of the government of that country, that his Majesty for many sessions had been induced to call upon his Parliament to adopt some mode of effectual regulation, by which a stop might be put to the enormities complained of; that parliament had at last taken up the business, and applied an effectual remedy; and therefore the necessity for the Crown to remind them of it no more existed. The right hon. gentleman had been carried away by his warmth on this subject so far as to introduce a topic, which formerly he was extremely averse to hear mentioned — the violation of charters. On this head the right hon. gentleman had gone great lengths; for he had stigmatized the mode of trial appointed for East Indian delinquents as an infringement on the Great Charter, by setting aside the trial by jury. He chose, indeed, with a degree of liberality, to applaud that mode of trial, but contended, that there might be tribunals in certain particular cases that would be found adequate to all the purposes of public justice in a like degree; and he particularly instanced the present mode of trial as entitled to equal approbation, and very nearly resembling in its constitution the best sort of special jury. But, surely, when the right hon. gentleman reflected that no man became subject to this new judicature except by his own choice, and at the same time compared the situation of the Company's servants with that of the men on whose bravery the independence and safety of our country depended, (our land and naval forces) many of whom were forced into the service against their will, and detained there contrary to their wishes, he could not pretend to say, that if it were just to govern such men by martial law, and to substitute in their trials a court-martial instead of a jury, it was any hardship on the servants of the East India Company, who had the option to go there or remain at home, and return as they pleased, that a mode of trial should be instituted for them, different from that which was generally used, and which they might entirely avoid, unless the profits and advantages of the East India employment appeared to them a sufficient compensation. The right hon. gentleman had entered largely into the state of the revenue of the Company's settlements, and had calculated, that the only increase which he expected to hear of, was an annual deficiency of 13,000*l.* and errors not of small sums and fractions, but of millions. He would not for the present attempt an exact statement of the surplus of the revenues of the East Indies; but he would say, that he expected and believed that they would exceed, in a ten-fold proportion, to the incumbrances under which they laboured, any surplus that might be hoped for in this country. His warmest wishes would indeed be gratified, and the most sanguine dreams at any moment formed of the prosperity of Great Britain would prove more than realized, if it could be found that our resources for diminishing our debt bore any comparison to those of the East India Company. With respect to the supposed inconsistency of lord Macartney's appointment to the presidency over the general affairs of the Company, at the same time that his conduct in the assignment of the revenues of the Carnatic was not approved of, he desired it to be recollected, that although he and Mr. Hastings had differed upon more points than one, yet, that affair alone excepted, he had acted in such a manner as entitled him to the highest applause which words could possibly bestow. Such were the talents of lord Macartney, that, from the whole of his administration of the government of Madras, he appeared perfectly eligible to that of Bengal, and particularly as the sole object, in which his conduct at Madras had been supposed objectionable, was one in which the policy of the measure was with lord Macartney,

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though the good faith and credit of the nation rendered it necessary to make a sacrifice; besides, that particular object would no longer have rested under lord Macartney's department, after his removal to Bengal. He was happy to find the right hon. gentleman entertained so high an opinion of the noble lord, because it would tend, perhaps, to reconcile him to a part of the East India Bill, of which he so violently complained, to find that a nobleman of such great reputation and distinguished virtue had borne in the most pointed manner the testimony of his approbation to the system of calling all persons returning from the Company's service to account on oath for their acquisitions. For, though that restriction did not extend itself to him, yet so much did he approve the spirit and principle of it, nay so necessary did it appear to him, for his own honour, that he voluntarily came forward and complied with the clause, even before its operation commenced. And he hoped, that after so illustrious an example no man would take upon him to depreciate the good policy and justice of the restriction. This action of lord Macartney's was in itself so noble, so disinterested, and shewed so pointedly the greatness of his sentiments, that even if his opinion of that nobleman's character were inferior to the ideas formed of it by the right hon. gentleman; nay, had he even disapproved of his general conduct in his government, yet this action alone would have been sufficient to atone for all former miscarriages, and to have entitled him to the highest glory and the most marked encomiums and applause. He had been called upon by the right hon. gentleman to declare, whether the event had justified the confident assurances that had been given by him and his friends, that his Bill would be received with joy and gratitude in India? He said, that if such assurances had at any time been made, it would then become fair to expect their ratification to be fulfilled. But, in fact, nothing of that sort had dropped from him at any moment. The Bill was a restrictive bill, and as such, no person could reasonably conclude that it would be received with any sanguine marks of approbation by those on whom its restrictions were to operate. But this last recited instance proved, that, however inquiry and scrutiny may militate against the inclinations of the unjust, the man of true virtue will be always ambitious to meet them.

So far he had followed the right hon. gentleman in such parts of his speech as were entirely foreign to the subject. He should now return to passages more immediately within the compass of the question. He was glad to find that the right hon. gentleman had changed his sentiments so completely on the subject of the finances since the conclusion of the preceding session. He remembered that, then the right hon. gentleman declared it as his fixed opinion, that the revenue would be found to fall short by at least 1,400,000*l.* either of the annual expenditure of the kingdom, or of that sum which was to leave 1,000,000*l.* surplus for the diminishing of the national debt; for which of the two, the right hon. gentleman had declared himself at a loss to determine; however, in either case there must have been a considerable deficiency; and yet now the right hon. gentleman declared, that no person could have ever doubted but there must be some surplus. The right hon. gentleman had thought proper to observe, that there was scarcely any part of the Speech worthy of consideration; and when he made mention of the increase of the revenue, he only expressed himself by the trivial term, some surplus. Absurdity must, doubtless, strongly mark the singular idea, that proposals for diminishing the burthens of the country, establishing her credit, and strengthening her resources, were subjects scarce worthy of consideration; and all this in the eye of a gentleman who had thought the leagues and views of almost every other state in Europe worthy of the attention of Parliament. The surplus of the revenue might soon appear considerable and important, and prove to the right hon. gentleman, that the contemptuous expression of which he had made use was highly inapplicable. Upon the question, through what means this surplus had accrued, and whether the honour resulting from it belonged to his Majesty's ministers, he found himself very little inclined to enter, because it was enough for him that the surplus did exist; and the satisfaction which he felt at the comfortable prospect afforded by it to his country, was sufficient to absorb and overpower every idea of a personal nature to which it possibly could give occasion.

He felt it difficult to restrain his indignation and astonishment, that the right hon. gentleman should have expatiated upon a subject of such delicacy as the Irish arrangement, in so unguarded and inflam-

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matory a manner. He must, however, notwithstanding his own disapprobation of such language, do the right hon. gentleman the justice to acknowledge, that he was convinced he must have had some public good in view in what he uttered, for he could not possibly conceive any personal motive for introducing certain topics which had been made use of; he had accordingly delivered his sentiments fully and clearly, notwithstanding the disagreeable feelings to which they must have given rise, and in defiance of that sharpest of all stings, his own invective. He had in the plainest and most unequivocal manner declared, that no enemy to the British empire could possibly accomplish his malicious designs against it in so effectual a manner as by impressing the sister kingdoms with an idea that their interests were incompatible, and that the advantage of one must naturally imply the detriment of the other. He must, on the present occasion, beg leave to bring back the recollection of the House to the origin of such a doctrine, and to point out, that during the discussion of the whole of the Irish business, while he and his friends uniformly endeavoured to argue on the grounds of mutual and reciprocal advantage to each kingdom, they were answered from the other side of the House by arguments which had for their backs nothing else but this now reprobated idea of the incompatibility of English and Irish interests, from whence it was inferred that an arrangement to benefit one country must proportionably injure the other. The right hon. gentleman had ventured reprehensibly far, indeed, by saying that the two countries were in a situation similar to that which precedes the commencement of war —one having made demands, with which the other had refused to comply. Mr. Pitt concluded by remarking, that no person could have lamented more sincerely than himself over the failure of the Irish negociation; expressing, at the same time, how fervently he had hoped that Great Britain might, upon the broad basis of mutual advantages, have transmitted to the sister kingdom a full share of her commercial felicities.

Mr. *Fox* replied, that he felt it difficult to avoid smiling at the absurdity of the right hon. gentleman's arguments respecting the accession of Hanover to the Germanic league; as it was obvious that the regency of Hanover ought neither to form laws nor enter into any treaties which might prove injurious to Great Britain, consequently it behoved the ministers of this country to have prevented their entering into any alliances which might involve serious consequences to the interests of England. If Hanover, through this mistaken policy, should sustain a detriment, it naturally followed that Great Britain must become her guarantee. Such was the drift of his argument; and he only had contended that ministers were not warranted, by any plea or pretended exigency whatever, to disable Great Britain from acting subsequently with the Emperor, provided a co-operation of this nature should appear the most likely to advance the interests of the former. And, surely, the right hon. gentleman would not presume to run lengths to which no former ministers had proceeded, and disavow the fullest responsibility for all the counsels which he might give his Royal Master in his character of Elector of Hanover. The right hon. gentleman seemed eager to meet his arguments with unjustifiable misrepresentation; and therefore he must desire him to bear in mind, that when he said that he could speak more freely concerning our particular connexions with foreign powers than if he were a minister, he did not (in fact, he could not) mean, even in the most distant manner, to drop the slightest intimation that he was more entitled than the right hon. gentleman to utter words, including an unpardonable tendency to wound the interests of his country. The fullest scope of his allusion was, that he felt himself warranted to mention France as the natural enemy of Great Britain, in terms more open and unguarded than those consistent with the reserve which, upon principles of decent policy, a minister was under the necessity of maintaining.

Mr. *Francis* said, that some things, which had fallen from Mr. Pitt, compelled him to request the attention of the House for a few minutes. That Mr. Pitt, in speaking of our affairs in India, had advanced many favourable assertions concerning them, which he could assure the House were utterly groundless: that the reverse of every thing which Mr. Pitt had affirmed was the truth, and that he would prove it to be so from authority. That the House had often heard the same sort of language from Mr. Pitt: that, in former times, he might have been excusable in holding out hopes and promises, on which it was possible he himself might have de-

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pended; but that now, with the certain knowledge that all his hopes had been disappointed, and with the experience of two years before him, in which his promises had completely failed, his continuing to hold the same language was unpardonable. That Mr. Pitt had joined with the directors in deceiving the public, or at least had given them countenance in endeavouring to deceive. With respect to the state of the Company's finances in India, Mr. Francis said, that so far from their being in that flourishing condition represented by Mr. Pitt, they were in as great, or greater distress than ever. That at Bombay they had no revenue at all proportioned to their current expense: that the bonded debt there now amounted to 3,000,000*l.* sterling, which bore an interest of 9 per cent. and was continually increasing by half-yearly conversions of the interest into capital. That he did not know what the amount of the debt at Madras might be; but he knew it was considerable, and that that presidency was sinking under its distresses. He then reminded the House of the error, of which he had convicted the directors, of promising a surplus of above 1,500,000*l.* sterling in the Bengal revenues on the 1st of May, 1785, which they were to apply to the discharge of their debts, but which, in effect, turned out a deficiency to more than that amount; so that their estimates had imposed upon Parliament to the amount of more than 3,000,000*l.* sterling in the revenues of one year. But the language then held in defence of that error, was, that their estimate did not include some expenses which could not be foreseen; that it relied on savings, which, as it happened, could not be made in that specific year, and that it provided for all the arrears of the army, and all the outstanding charges of the war; but that in the ensuing year, no similar causes of expense would exist; that wonderful reforms would take place, and manifold savings arise out of them; that the revenues of Bengal would exhibit a surplus beyond all doubt, sufficient to make a considerable diminution of their debt: that Mr. Pitt even now continued to hold the same sort of language, and talked of surplusses in the Indian revenues, under the instant application of which all their debts and incumbrances would speedily be annihilated.

Mr. Francis said, he hoped that the right hon. gentleman, when he talked of the actual existence of means to constitute a powerful sinking fund at home, spoke with better knowledge of the subject than he appeared to possess concerning the Indian revenues: that, so far from having a surplus in Bengal, even in this third year of peace, when so much economy had been promised, the balance of the estimate of resources and disbursements for the year ending May 1, 1785, was against the Company to the amount of 1,200,000*l.*; that their bonded debt and unsatisfied demands on the Treasury by the last accounts amounted to 3,000,000*l.*; and that this debt was evidently in a course of increase rather than diminution, and must continue so, as long as their current expenses exceeded their current resources. With respect to the boasted reform which had been so much spoken of, he said, it had yet produced no material effect; and in support of this, read a passage from a letter from Mr. Macpherson as follows: "The great and most important work of a reform in the expenses of this government, which was resolved upon, and in some degree begun before the departure of Mr. Hastings, has been carried through under every influence that I could exert, and every effort of the abilities of your present administration. I must, at the same time, regret, that the progress made in this salutary measure is not equal to my wishes, nor has it in any very alleviating degree relieved your distresses." With respect to the late India Bill, the merits and good effects of which Mr. Pitt had exalted in high terms, Mr. Francis begged leave to remind the House, that he had opposed it in every stage, without knowing or considering how it was likely to be received in India. That he had opposed it on what he thought the true principles of this constitution, because it invaded the original and unalienable rights of a considerable part of his fellow-subjects, which they had not acquired by their virtues, and, if they were ever so criminal, could not forfeit by their crimes; that is, to be tried by a jury of their peers, however enormous the magnitude of their offences might be. That it was plain he acted on this principle alone, since it was well known that his connexions with the gentlemen of India were not very intimate or extensive; consequently, that there was no personal reason why he should be particularly forward in their defence. That he knew many of them to be worthy men; but, if he had

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thought otherwise, his conduct would have been the same. That it was very remarkable that, while he had done his utmost to oppose the Bill, the persons who supported it most strenuously, and who in effect carried it into a law, were the friends, the relations, and the companions of those against whom the law was to operate; that it was shameful to see the same persons, who, if wealth implied guilt, were the most guilty, who had returned from India loaded with fortune, and now sat in parliament secure against all inquiry—to see these very persons making laws to restrain and punish, with unheard-of severity, others, at least as meritorious as themselves, and certainly more innocent, that is, as far as poverty implies innocence. That the only persons upon whom the law would bear, and against whom it would operate, were those who had not acquired fortune enough to leave India before the time limited by the Act for the commencement of the inquisition; whereas to all those who had already acquired fortune enough to be able to come to England before January 1787, this boasted law held out indulgence, security, and protection; that is, it deferred the exertion and application of all its rigour, until those who ought to be the objects of its severity had put themselves under shelter, and out of the reach of inquiry.—Mr. Francis said, that while the Bill was depending, he had spoken of it with a detestation and abhorrence which it might not be decent to apply to an existing law: but he hoped, that before the end of the present session, he should see some attempt made to repeal this law entirely, or, if that could not be obtained, at least to repeal that part of it which invaded the rights and attacked the freedom of the nation at large: that he stood upon the *viæ antiquæ* of the constitution, the unalienable right of every Englishman to a trial by his peers; that Mr. Pitt had endeavoured to abolish the trial by jury in one instance, and defend it by arguments which would equally apply to other cases and other classes of men. That these were the steps by which the worst principles were gradually established, and the best political institutions sooner or later subverted. That the fact itself was dangerous, and the doctrines by which it was supported equally weak and profligate.

Mr. *Dundas* rose to contradict Mr. Francis's statement of the Bengal revenues, and pledged himself at a proper time to enter into that discussion, and to prove that all he had said on that part of the subject was incorrect.

After some further conversation, the earl of Surrey's Amendment was negatived, and the original Address agreed to.

Jan. 25. The report of the Address being brought up,

Mr. *Fox* said, that as the observations which he should beg leave to make, bore an affinity to his remarks on the preceding day, they would all lie within a narrow compass. Recent in the memory of the House were his two questions to a right hon. gentleman (Mr. Pitt). To one of these he had given a precise and clear answer; to the other he had not spoken in terms equally unambiguous; and, as that was a question of infinite importance to the interests of the country, it was his duty to endeavour, if possible, to obtain such an answer as should remove all doubt and difficulty. What he alluded to was, the particular degree in which ministers held Great Britain to be committed, as to any future consequences that might arise from the effect of the league entered into by the elector of Hanover with the elector of Saxony, the king of Prussia, and other Germanic princes. He was aware, that the right hon. gentleman at the head of his Majesty's councils had disclaimed all responsibility for the wisdom and policy of the measure, had stated it to be a separate and distinct transaction from any British concern, and had declared that Great Britain was not committed as to her future conduct, should the league be productive of disturbances in the empire, in which her interests might call her into action. If this was really and truly the case, and Great Britain was not affected at all by the league, the more clearly it was known to that House, to the public, and to all Europe, the better; because, however well we understood the distinction between Great Britain and the electorate of Hanover, as separate states, it was not a very easy matter to teach foreign Powers to understand the same discrimination. A variety of possible cases existed in which it would be almost out of the power of this country to adhere to any such distinction in practice, however clearly it might be defined in theory. It might, hereafter, happen that circumstances would make it an essential policy in Great Britain to join the Court of Vienna, and to proceed in counteraction of the league.

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In that case, as all treaties were offensive in their effect, though nominally defensive, a war between the parties to the league and its opponents might probably arise. Granting the likelihood of such a war, could the British troops act against those of Hanover? Or, to make the case stronger, and yet to put a possible case, suppose the elector of Hanover were to head his troops in person, (and they were all aware that it was not a new thing for an elector of Hanover to take the command in the field) who would say that the British army could be directed to act hostilely against troops led by their sovereign in the character of elector of Hanover? The supposition teemed with the grossest absurdity, and it was to shew the extraordinary predicament into which the elector of Hanover's becoming a party to a league of the nature in question, and without the advice of a minister responsible for his conduct to that House, might draw Great Britain, and involve its interests, that he brought forward such unaccountable cases. One historical example would strengthen the argument which he had used, and prove beyond all doubt the mischiefs to which this country was liable to become exposed, by considering herself as wholly independent of the interests of Hanover. The case to which he alluded, was that of George 1, who, by his treaty with Denmark for the sale of Bremen and Verden, drew down upon him the vengeance of Sweden; and the consequence was, that this country had been threatened with an invasion, the most alarming, and the most dangerous to the liberties of Englishmen, of any it ever had occasion to expect. General Stanhope, at that time the minister of the Crown, had, when the treaty was first heard of, come down to that House, and used precisely the same sort of language as that uttered by the right hon. gentleman on the preceding day. He had talked of the separate and distinct interests of Great Britain and Hanover, and had said that the British Parliament had nothing to do with the conduct of his Majesty respecting his electoral dominions. But what was the consequence? The very next year, general Stanhope, who held this language, came down to the House, and urged the expenses which his Majesty had incurred on account of his purchase as a plea for calling for additional supplies. If the matter were not now fully and clearly ascertained, so that foreign powers, as well as that House, might be certain that Great Britain was not committed as to any part which her policy might dictate to her as most advisable to pursue hereafter, in the case of a war in Germany, the right hon. gentleman, who had on the foregoing day disclaimed all responsibility for the wisdom and policy of the measure in question, might come down to the House, on a subsequent occasion, and make that very measure, respecting which the British Parliament was excluded from all inquiry and control, the ground of an application for additional supplies. Mr. Fox concluded, by observing, that he never spoke concerning a point of state with less reluctance, persuaded that, on the present occasion, he neither divulged a secret, nor gave the slightest wound to the security and interests of the nation.

Mr. *Pitt* replied, that if he felt astonishment, on the preceding day, in discovering that the right hon. gentleman had used no arguments which he could have wished to coincide with, he was now overwhelmed by surprise to find his reasoning still more unworthy of an imitation. The right hon. gentleman had himself admitted, that there were subjects on which ministers could not with propriety be so explicit as indifferent members of the House. For his part, he conceived that, although a cautious delicacy in speaking on the subjects of foreign politics was one part of the duty of ministers, yet it was a duty which also belonged to every member of parliament, nay, to every good citizen; however in each it might differ in degree, its nature was the same in all. It was, notwithstanding, as he apprehended, peculiarly improper for a gentleman, who had possessed a high official situation, and by whom the foreign concerns of this country had been administered, to indulge in such a latitude. In the debate of the preceding day the right hon. gentleman had gone, in his opinion, to most improper lengths; but on this day he had discovered, that he had not gone far enough, and had therefore resumed the subject, in order, that as he had before displayed his ingenuity and acuteness, he might now prove equally distinguished for his information and his judgment. He had accordingly methodized his argument, and had brought it to a specific point. He had first laid it down that it would be a prejudice to this country, should the princes of Europe consider her as bound by the treaty to which Hanover

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had acceded, and yet he had exercised the whole strength of his abilities to perplex the argument, and to prove that she was in fact thus absolutely bound. How he could justify his intentions in this acknowledgment, and in this endeavour, he could not foresee: for, surely if it were indeed prejudicial to this country, that it should be understood she was concluded by the act of the ministry of Hanover, that very circumstance ought to be a sufficient reason for every friend to Great Britain to endeavour, as much as possible, to enforce the doctrine, that she was not so concluded. It was difficult to reconcile the caution of the right hon. gentleman to prevent this country being on any occasion embroiled for Hanover, with his attempt to make the ministers of Great Britain responsible for the government and politics of that country. If that were done, it would become a limb and member of the British empire, and as such would be entitled to demand protection. Should the ministers of England interfere to prevent those of Hanover from forming such alliances and confederacies as they saw necessary for her safety, would they not have every right to demand, in case of future wars or dangers, the assistance of that country who had prevented them from arming themselves with allies and with friends, and would not this country be bound to assist them to the last extremity? And what could be more ridiculous than the idea of the right hon. gentleman, that the method of securing the friendship of the Imperial Court, was by putting ourselves into the necessity of interfering in German politics, and abandoning that option of neutrality, which, standing as we did now, detached from the government of Hanover, it was in our power to make?

Mr. *Fox* reprobated the uncandid misrepresentation which the right hon. gentleman had put upon his arguments, striving to prove his deviation from the character of a good citizen. Did the right hon. gentleman imagine, that the facts upon which he had reasoned were any secret, or that any of the European powers needed to send here for information respecting their nature? The contrary was notoriously the case; the circumstances to which he alluded in argument were well known. Let the right hon. gentleman recollect the style of the different letters sent from the Courts of London, Versailles, and Petersburgh, to the king of Prussia, on the subject of the league, stating that the Court of Versailles had sent a letter, couched in terms of civility, and implying something like an approbation of the league, and that the Court of Petersburg had sent one, full of civility, but expressing extreme regret that any such league had been entered into in consequence of groundless doubts and ill-founded jealousies. Into how strange a situation must Great Britain fall, should a war in Germany be the consequence, and should she find it her interest to connect herself with the two Imperial Courts! Could she, with any decency, charge the elector of Hanover with having joined in a league formed upon groundless doubts and ill-founded jealousies?

After some further conversation, the Address was agreed to by the House.

The King's Answer to the Commons' Address.] To the Address of the Commons, his Majesty returned this Answer:

"Gentlemen;

"I thank you for this very loyal Address. I receive with great satisfaction the assurances of your disposition to enter with zeal and industry into the consideration of those important and salutary objects which I have recommended to your attention."

Debate in the Commons on the Bill for amending the Militia Laws.] Jan. 31. Mr. *Marsham* moved for leave to bring in a Bill for amending and reducing all the laws relative to the Militia into one Act. He flattered himself that it was scarcely necessary to declare how much he deemed the militia the natural and most constitutional defence of the kingdom. A friend to it in the strictest sense of the expression, he wished to find it equally the favourite of the whole House, and was persuaded that nothing could prove so prejudicial to the service as treating it with indifference. A set of gentlemen, who, like himself, had served in the militia, and were persuaded of its great consequence, had, with him, directed their attention closely to the subject, and exerted their endeavours towards discovering the best possible means of preserving it upon a respectable and useful footing; and with such views, and under such circumstances, should he bring forward his motion. On this occasion, candour obliged him to declare, that he did not believe it possible to find any minister who would receive a pro-

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posal for improving the situation in which the militia stood, in a more fair, open, and proper manner, than the right hon. gentleman who presided over the administration of the national affairs. Gentlemen would please to recollect the origin of the militia, the manner in which its services were received, not only at the end of the war before the last, but at the conclusion of the last war; and he would leave it to them to draw the inferences from the facts which he should state, and submit it to their consideration, whether it was not absolutely necessary, that some measures should be immediately taken respecting the militia, unless it was meant that the use and advantage of having such a constitutional defence should be entirely done away. In the year 1756 or 1757, when the war before the last broke out, a body of Hanoverians and Hessians were brought into this kingdom for its internal security. This introduction, at once impolitic and unconstitutional, occasioned some disturbance; Englishmen revolted at the unmerited idea of their not being capable of defending themselves and their country, and the militia began to be set on foot. So agreeable did the circumstance prove to that House, and so well did they think of the plan, when reduced to practice, that in the course of one and the same session they recognized, countenanced, and established the scheme into a national measure; and such were the benefits which the country derived from the militia, that, at the conclusion of the war, the officers who had served in it received the especial thanks of his Majesty, and of that House. What rendered the thanks of the House doubly dear to the officers was, that these were voted at the very same moment when an Address to the King, thanking his Majesty for having put an end to the calamities of war, was voted. This was, to his knowledge, a matter extremely pleasing to all who had served in it; and as a proof that it was so considered, he begged leave to state that the colonel of the corps in which he had since had the honour to serve (the Kentish militia), ordered a copy of the vote of thanks to be made out and sent to each individual officer, that he might take it home with him, when the militia was disbanded, and preserve it as an honourable testimonial of the sense which the representatives of the people entertained of the service he had done his country. After the peace of Paris, the militia was called out, embodied, and trained, once a year; a circumstance from which the kingdom had derived essential advantage, as the House would see upon reverting to facts within all their knowledge. At the commencement of the session, during which hostilities between Great Britain and France took place, his Majesty, in his Speech from the throne, assured them that he had received the most pacific assurances from all the European powers, and yet, in the month of March of the same session, news arrived of the French having concluded a treaty with America, then at war with us. The militia were, in consequence, called out; and it was remarkable that a militia camp was formed as early, that year, as in any one year during the war. The practicability of this could only be imputed to the discipline and the habits of duty, in which the militia were kept, from being so constantly trained and exercised. How different had been the conduct of Government at the end of the last war? He had predicted what would follow; nor had he the good fortune to find himself a false prophet. Notwithstanding the militia acted as well during the last war as during the war preceding it, and although many gentlemen had dedicated their whole attention to the service, it was not thought that the militia deserved thanks for their accomplishment of their duty. He meant not to give offence; and, perhaps, he had used too harsh an expression; but the fact was, that no thanks were given to the militia by the Crown, no thanks had been voted by that House, and for three years together the militia had never been even once called out. The consequence was, that gentlemen grew indifferent to the service, and were disgusted at the neglect with which it had been treated. He begged leave to assure the House that, making this remark, he did not intend to cast the least reflection on any set of men in particular; but the fact stood as he had stated it; and it was with a view to preserve the militia from being lost altogether, that he had given himself the trouble to turn his thoughts to the subject. He would take up no more of the time of the House, than shortly to mention some of the views with which the Bill, he should move for leave to bring in, had been prepared. The gentlemen who assisted him, were unanimously of opinion that one mode was, to reduce all the various laws into one, and that another material object of it was, to change the time of the duration of the

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service, and to alter it from three years to five. Three objections were generally made to the militia. One, the great expense to the kingdom; another, the prejudice it did to the recruiting service of the army; and a third, the heavy burthen which it entailed upon the country. The alteration which he had stated met all these three objections; because, if the men were drawn for five years instead of three, and their clothing so regulated, it would not only put the kingdom to an expense considerably short of what it had hitherto cost, but also prove infinitely less prejudicial to the recruiting service, inasmuch as fresh men for the militia would not so soon be wanted as before; and lastly, as substitutes were only to be provided once in five years instead of three, the individuals drawn, and consequently the country in general, would not experience burthens of such enormous weight. Another alteration proposed by the Bill, was reducing the number of serjeants and drums, by having in future only two drums for the flank companies, and only one for those of the battalion, instead of the present number. Having added, that, as a similar reduction of serjeants would, if introduced, occasion no inconsiderable retrenchment in the national expenditure, Mr. Marsham closed his remarks by moving, "for leave to bring in a Bill for amending and reducing into one Act all the Militia Laws in that part of Great Britain called England."

Mr. *Pye* seconded the motion.

Mr. *Pitt* observed that, upon the present occasion, when the majority of the House were, doubtless, ready to meet the motion of the hon. gentleman with their concurrence, little remained for him but to express his satisfaction at perceiving a most important subject so properly brought under their consideration. The interval of peace was, undoubtedly, the fittest moment possible for them to unite in endeavouring to put the great and most constitutional defence of the kingdom upon a respectable and useful footing; and much as he professed himself to be the friend of economy in that, as in every other branch of the public service, from a conviction of its indispensable necessity, he was not so much the slave of his opinion as to wish to carry his efforts to introduce a rigid economy so far, as by any means to lessen the advantages which the country had ever felt from the establishment of a well-disciplined and effectual militia. How far the means suggested for attaining a purpose equally desirable to all who heard him, might be thought the best means possible to be adopted, was a matter for future consideration. If it should appear possible to preserve the militia on a respectable footing without putting the public to the heavy expense attendant on calling that force out every year, he owned, he should be glad to adopt such means as might be suggested for that purpose.

Mr. *Marsham* begged leave to observe, that the calling out the militia regularly every year was, in his opinion, so indispensably necessary to the preservation of that force on a respectable and useful footing, that if the right hon. gentleman had determined to oppose it, he should scarcely think it worth his while to bring the subject forward. Every gentleman who had served in the militia, must feel the most irresistible conviction, that nothing could tend so much towards making the militia capable of entering, at a moment's notice, into action, as the accustoming the men to be trained and exercised once a year; and if they were not called out but upon the spur of the occasion, it would become almost an absurdity to expect any great benefit from their military operations, should either invasion or any other circumstance require their presence in the field.

Leave was given to bring in the Bill.

Feb. 6. Mr. *Marsham* intreated the attention of the House to some necessary observations respecting the militia. Several hon. gentlemen, who had served in that constitutional body of force, had investigated the subject with an anxious wish to be able, by fit and salutary regulations, to put the militia on a respectable and useful footing; and, with this view they had prepared a Bill, in which they had introduced several alterations, which they should not have judged worthy of adoption, but under the conviction, that an adherence to the strictest economy was absolutely necessary, all the circumstances of the country considered. Finding, however, that Administration differed from them respecting a point which in their minds was the most essential of any towards restoring the militia to the degree of respect and utility which every friend to his country must wish it to enjoy, being no less than the necessity of embodying and training them regularly every year, and as the right hon. gentleman who pre-

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sided over the affairs of government had not been able to make up his mind upon that point, without the enforcement of which, many, if not all, of the gentlemen with whom he had consulted upon the subject, were of opinion it would be better to have no militia at all, he thought it right to take no farther step in the business. Of this, however, he was persuaded, that another year could not pass over without some material change, a positive act of parliament being at that time in full force, which expressly ordered, that the militia should be called out every year, whereas they had not been once called out for two years together.

Mr. *Pitt* replied, that he perceived with no inconsiderable concern, how unjustly attempts were made to mark him out as the person through whom the public was to be deprived of the advantages, which several officers of rank and character in the militia expected would result from a plan on which they had bestowed so much pains and attention. He confessed that there could be nothing more desirable than an arrangement that should reconcile the national defence by a militia to the principles and practice of economy: but though he had not made up his mind upon the question, whether the present proposal would have that effect, he saw no reason why the circumstance of one individual member of parliament wishing to withhold his opinion until after a subject of such importance could be debated and argued, should be a means of preventing its coming forward at all. It was certainly the duty of every member to suggest such plans as appeared to him likely to promote the public welfare; yet the hon. gentleman (unless he greatly mistook the point) was particularly pledged to the country to bring forward his plan, having given notice that he had methodized and arranged it; nor ought it to be any objection to his so doing, that he (Mr. Pitt) had not yet sufficiently considered it to venture to give any decisive sentiment on the propriety of one particular part of it. On the present occasion, he must beg leave to appeal to the candour of the hon. gentleman, and call upon him as a zealous friend to the militia, to say, whether it was consistent with his duty to the public and the House, to withhold from them a plan which he thought of such consequence, merely because one member wished to have the advantage of hearing the subject fully discussed before he would venture to decide upon a most essential point of it; or whether it was fair to press him to give an opinion before he was sufficiently master of the subject. As to the idea started by the hon. gentleman, that the not having called out the militia for the last two years, might subject any particular description of persons to blame, he felt it more than difficult to give it a concurrence; because it was well known, that although the act of parliament authorized and enjoined an annual embodying of the militia, yet it lay with the House to provide the means, by voting the supply for defraying the expense attendant on it; and when that House did not provide the means, the act of parliament was a dormant statute.

Mr. *Marsham* answered, that the manner in which the right hon. gentleman had stated the facts in question between them was not candid; and, in proof of this assertion, he must beg leave to appeal to the House, whether a matter of such important national concern as the militia, was not more fit for Government to superintend and regulate, by the proposing of such measures respecting it as should from time to time appear necessary, than to be left to the suggestions of private persons, or members of parliament? He had, certainly, in conjunction with other gentlemen, endeavoured to prepare a bill, calculated, as far as their judgments went, towards the establishment of the militia upon a respectable footing; and he had stated several of the particular regulations it contained to the House: but finding the sense of the minister of the country opposed to him upon that point, he had not lost a moment in declaring, that if the right hon. gentleman could not make up his mind to the idea of calling out the militia once a year, he should think it right to save the House and himself all farther trouble respecting it.

Debate in the Commons on the Army Estimates.] Feb. 8. On the motion for going into a committee on the Army Estimates,

Mr. *Minchin* declared, that he felt himself under the painful necessity of opposing the motion that the Speaker should leave the chair, because he could not consent to a vote for the army when the militia had been so much neglected. The militia, undoubtedly, were much preferable to a standing army. They were the interior guardians of the country, and

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ought to be supported agreeably to the principles of our constitution, and therefore must, of course, attract the jealousy of all who felt a laudable anxiety for its welfare. He very much apprehended, at least it had been insinuated without doors, that the militia was to be abolished, and a proportional number of standing troops substituted in its place. He could not, without alarm, give credit to the report, because a standing army had always been considered as dangerous to the liberties of Englishmen. The corps of militia, during the whole period of the last war, proved exceedingly useful to the defence of the country. They had acted as became good soldiers and patriotic citizens, and, upon all occasions, displayed considerable zeal in the service. It had been said, that they were local troops, and could on no emergency be sent abroad. But did that circumstance lessen their value or utility? Far from it. For while the militia were employed in guarding the interior parts of our dominions, the regular troops might be sent on foreign service. It gave him concern to remark that, notwithstanding the truth of these positions, it now appeared, that they were very much lessened in point of estimation and importance. It had been customary, since the establishment of this corps, to call them out once every year, in order to keep them in proper discipline. The expense was trifling in comparison of the magnitude of the measure. It had only amounted to about 40,000*l.* when the whole corps performed duty for the limited period of 28 days. If, however, it was intended to reduce them in proportion to the reduction of the army, and to limit the number in time of peace to 17,000 men, the expense of training and exercising them for 28 days would amount only to the sum of 20,000*l.* If any reduction was intended, why not reduce the standing army, and continue the militia in that important point of view to which they certainly were entitled? They were the local and stationary troops of the country, and from every consideration, deserved more confidence than a standing army. Besides, it was now absolutely necessary to retain a defensive corps at home, in case of a sudden rupture with our enemies abroad. Formerly, our navy was found adequate to our national defence, and considered sufficient for that purpose, both internally and externally. The times were, very unfortunately for Great Britain, altered; and our navy, which had been in later periods considered as the bulwark and pride of the nation, had experienced a diminution of its importance in the eyes of all Europe, by the formidable exertions of the House of Bourbon. France and Spain were now equal to us in a naval arrangement; nay, he believed, by the accession of the navy of the United Provinces, greatly superior. He could not avoid supposing that, on the commencement of another war, our navy would prove inferior to such a formidable confederacy. If, therefore, we neglected this navy, it was necessary that we should invigorate our internal defence; and, consequently, the regular training and exercising of the militia was the primary object. He approved very much of the right hon. gentleman's ideas of economy; but he did not like to see any economical plan carried to such a length as to infringe upon general systems of necessity. A judicious plan of economy he conceived to be a proper application of the money voted for the particular service for which it was appropriated; but when the sum voted was misapplied, he considered that the object for which it was intended was entirely defeated. He wished to know whether the right hon. gentleman designed to support the Bill intended to be introduced. He believed it was very well calculated to regulate any defect in the militia laws. If the right hon. gentleman agreed to support the bill alluded to, he would consent to the House going into a committee on the army estimates, although he apprehended that it was acting with too great precipitation; for the estimates had not lain a sufficient time upon the table of the House for the inspection of the members. But, if he might take the freedom to draw inferences from the part which the right hon. gentleman pursued, on the preceding day, he could not venture to flatter himself with the hope of finding him friendly to the bill; and therefore for the purpose of delaying the matter until he should become acquainted with the result of the Militia Bill, he would move, "That the House do now adjourn."

Mr. *Steele* opposed the motion. He said, that if gentlemen were resolved to cavil on every occasion, there would be an endless contest. With regard to the Militia Bill, if gentlemen were determined to wait till it passed before they consented to vote the estimates for the army, they would probably retard that event till the conclusion of the session.

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Mr. *Sheridan* said, that he also must resist the motion for the Speaker's leaving the chair; yet upon an important principle, in some measure dissimilar from that of his hon. friend, and for the sake of preserving a strict and invariable adherence to the established rules of proceeding in that House. On the present occasion, he felt it right to urge the necessity of preserving such an adherence, and therefore must beg leave to remind the right hon. gentleman in the chair, that he rested on his authority for the validity of his argument as applicable to the present instance. It had been the established rule of proceeding with the army estimates, to have them lie upon the table eight days prior to any motion being made for referring them to a committee. This rule had, he believed, been invariably adhered to; but in the present instance the estimates had not been upon the table more than five days, and now it was attempted to go into a committee for the purpose of voting them, although at the time that they had been presented, when Wednesday was nominated, as the day on which they should be taken into consideration, they had heard from the first authority in that House, that the practice had been in all preceding times not to move for their being referred to the Committee of Supply until they had been upon the table eight days. With such indecency did Administration fly in the face of the Chair; and fatal would prove the consequences if a bad precedent were once suffered to be established. He did not mean to insinuate that any improper intention operated upon the Secretary at War in thus urging the House to break through their established rules; but if he was to be indulged in every eccentric flight of genius that he might choose to take, there was no knowing into what strange extravagances he might not lead them. For his part, he wondered from whom he had learnt the idea of breaking through the established rules and forms of the House; his predecessors in office had been content to adhere invariably to those rules, and in so doing they had acted wisely. If the rule was once broken through, it might be abolished altogether. If it was right to vote the army estimates after they had been upon the table only five days, why not vote them after being there only four, three, or two days? or why not bring them down, present them, and call upon the House to vote them the next day or the very day on which they were presented? The same reason which would justify the violation of the rule in one instance, would justify it in all. Besides, in all former sessions the constant usage had been to vote the navy before the army estimates; and, as the strength of our marine was to be the guide what sort of an army might be necessary, the vote of the navy ought always to precede the vote of the army. This infringement of the usual practice was highly reprehensible. The right hon. gentleman had contended that an hon. friend of his ought not to shrink from his intention of bringing in the Bill for regulating the militia, because he, a single individual in that House, had declared he had not made up his mind to one particular point. For his part, he was of the same opinion; and he hoped, notwithstanding what had passed, that the worthy and respectable member would bring in his Bill. With regard to the right hon. gentleman's calling himself, as he had thought proper to do in respect to the militia, a single individual, it might fairly be observed that the right hon. gentleman passed under various characters in that House; at one time he called himself a member of Administration, at another the Minister, then again the minister of the Crown; nay, he had even once assumed the self-created character of representative of the representatives of the people, and sent his own will in a dictatorial manner to the Irish Parliament, instead of the resolutions of that House; but when the fit of humility was on him, he bent to the more submissive character of a simple individual. It was not a little remarkable that the effect and success of his measures for the most part depended on the character which he thought fit to assume. When the right hon. gentleman chose to stand up as a single individual, he generally failed of achieving his purpose. On the grand question of reform in the representation of the people in Parliament, the right hon. gentleman professed he was acting as a single individual, and there he did not succeed. In the scrutiny, in like manner, acting as a single individual, he failed; and had he been no more than a single individual in the case of his India Bill, he verily believed the right hon. gentleman would have failed likewise. He hoped and believed that the Militia Bill, if brought in and gone on with, would succeed, as the right hon. gentleman

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chose, on the present occasion, to call himself a single individual, however much the gentleman who had waited upon him respecting the militia, might have found him the minister at his house in Downing-street. On the whole it appeared that the House could not immediately go into a committee upon the army estimates without violating an established practice, and thereby introducing a precedent which might lead to most mischievous and alarming consequences. He felt it difficult to conclude without observing, that the half-stifled laughter with which the minister and his friends met some of his remarks were indecently misapplied to a subject of such particular importance.

The *Secretary at War* said, that he flattered himself that the defence of his own conduct would rest firmly upon a plain statement of facts, and therefore he should leave it to the House to judge from them and draw the natural conclusions. There was not in that House, he believed, a member who had shewn more respect to their forms of proceeding than he had uniformly done; and he trusted that he had not in the present instance acted so as to violate any one of them. The papers had now been seven days upon the table; therefore let the House judge whether he was chargeable with any attempt to proceed precipitately.

Lord *North* said, that with regard to the estimates, they had constantly lain upon the table eight or ten days before it had been attempted to move to refer them to a committee. He trusted that before the House departed from their ancient rule and usage, a precedent of such a departure might be pointed out, or some public ground of necessity be stated.

Mr. *Pitt* said, that the noble lord and the hon. gentleman had endeavoured to establish it as a conclusive ground of objection to the motion, that it was contrary to the established order of parliamentary proceeding to go into a committee on the army estimates, until they had lain on the table seven or eight days, in order that the House might not be taken by surprise. Now, certainly, however judicious this principle might in general prove, it could by no means apply to the present case; for he believed that not one member who saw how well the House was attended, and observed the degree of preparation which some gentlemen had made, as well in point of argument as in wit and pleasantry, would pretend to say, that there was any danger of the House being taken by surprise. In aid of this fact, of the House being sufficiently awake and upon their guard, gentlemen had moreover disclaimed any suspicion of the minister having meditated such a surprise. How unfair was it in gentlemen to sit by and hear notice of a motion given to the House, particularly of a motion in the ordinary and regular course of business, without imparting even one single hint of their intention to oppose it—nay, to suffer so many days to pass over without any such intimation, and then to come forward with arguments drawn from a supposed established practice, which no man could take upon himself to substantiate! An argument had been used by an hon. gentleman to prove that it would be improper to vote the army estimates until after the seamen for the service of the current year, should have been previously voted: and this undoubtedly shewed, in the clearest point of view, that he and his friends had no very great anxiety to expedite the public business; for they would certainly, in such a case, have given notice of their intended opposition, and so have induced ministers to move for the seamen on this day, and postpone the army till Friday. But, in fact, the whole of the opposition to the question seemed to him to originate in the hon. gentleman's well-known disposition to mirth and derision, and appeared to proceed from a design to laugh at the House; and instead of permitting them to enter upon a business for which they were prepared by proper notice, to tell them in plain terms, "Well, gentlemen, I see you are all come down to vote the army, but I promise you you shall do no such thing, for I have special reasons to put it off for a day or two longer, and I have found out a number of gentlemen to vouch for me, that there either is, or ought to be, a standing order to that effect." And thus was the humorous vein of the hon. gentleman to be gratified at the expense of the time of the members, and the dignity of the House. However, lest the intention of the hon. gentleman might appear too plainly, and so defeat the object in view, he had taken care to keep himself back in the debate until an hon. gentleman of a graver cast, whose eloquence was of a more serious complexion, and who had argued the question upon more solemn grounds, should precede him, and so cover his main design. Mr. Pitt said, he had on a former occasion been called upon by an

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hon. member to deliver an opinion on a matter of the greatest consequence, and which comprehended in it the two most essential objects of the attention of that House, and of Government, namely economy, and that constitutional defence of the kingdom, the militia. He had begged leave to withhold his opinion on the subject, until a public discussion should have enabled him to avail himself of the information which he expected to receive from those very respectable members of parliament and officers of the militia who had so meritoriously applied themselves to the business. In consequence of his hesitation to rise, it had been suggested that he was in general hostile to the institution of the militia, and that in consequence of his being so, it would be to no purpose to bring forward any measures for its improvement. This conclusion was the more absurd, because the very gentlemen who endeavoured to stigmatize him as an enemy to the militia, merely because he had not yet clearly made up his mind on a certain particular question relating to it, had themselves determined to withhold from the House a plan methodically and industriously arranged, and on the propriety and usefulness of which, in all its parts, their judgments were agreed, merely in hopes of throwing an odium upon him. He professed himself to be, as much as any man could possibly be, a friend (he might indeed say an hereditary friend) to the militia, and fortified as he was in the consciousness of that disposition, he should look down with contempt on every illiberal insinuation calculated to injure his reputation and misrepresent his principles; though were he not so happy as to feel that consciousness, he should certainly smart severely under the censures which he had undergone. He desired the hon. gentleman to reflect how inconsistent it was with his boasted zeal for the militia, on constitutional grounds, to make himself instrumental in propagating a doctrine, that it was justifiable for any gentleman in possession of a plan calculated to serve the public, to withhold it from the House until they should have procured the concurrence of the executive servants of the Crown.

Mr. *Taylor* reprobated the unbecoming treatment which the Chancellor of the Exchequer had experienced respecting the militia business. He avowed himself a sincere friend to the militia. From the knowledge, however, which he had acquired on this subject, he entertained some doubts whether the regulation intended would be productive of any good effect.

Mr. *Fox* said, that he felt it impossible to permit the observations of the right hon. gentleman respecting the militia to pass unnoticed. The militia formed part of the defence of the nation. Did the right hon. gentleman, then, affect a greater ignorance on this subject than any other person? Was it not his duty to inform himself of all its circumstances? He was the minister of the country, and, as such, it became him to be better informed on this point than any other person. This, therefore, was no ground of excuse why he should not bring forward any measure which might be judged necessary for putting the country into a better state of defence. It was his duty to know, and to do this, beyond that of every other member of the House; and to decline this task on pretences of want of sufficient information, was no argument at all in his favour. He hoped such subterfuges would not be allowed as precedents in the House, nor received by the country at large. He saw no reason why the uniform usage of the House should be departed from on the present occasion. His hon. friend had contended that the estimates should have lain on the table, agreeably to practice, eight days. The Secretary at War had acknowledged, that they had lain there only seven. Why, then, transgress the ordinary usage of the House, or give birth to a precedent which might afterwards be employed as a dangerous instrument of surprize? He knew of no instance on the Journals, which justified the step; and he was of opinion that the gentleman on the opposite side of the table should either shew some authority for adopting this new line of conduct, or relinquish it altogether. He was strengthened in his opinion, that there was no precedent on the Journals which justified their going into a committee on the army estimates before they had lain eight days on the table, as this idea had been countenanced by an authority to which he had uniformly paid an implicit deference—the chair. As to the plan of voting the army, contrary to custom, before the navy, he could easily conceive a reason for it. The navy was recommended warmly in his Majesty's Speech as an object of attention. If, however, it should be voted prior to the army, when the latter came under subsequent consideration, various arguments of objection

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might be stated, which by the intended manœuvre would be entirely cut off. In consequence of the present reprehensible deviation, the army would be rendered the leading object, although the navy must experience the greatest need of aid and augmentation.

Mr. *Rose* requested that the Journals of the 12th and 16th of December, 1774, might be read. This being done, he from thence argued that it clearly appeared that lord Barrington, then secretary at war, had laid the estimates of the army on the table on the first of these periods; and that they had been submitted to a committee of the House, and voted the following one; not after eight days consideration, as contended for, but only four. Mr. Rose hoped that this precedent would not be objected to, or be in the least offensive to lord North or his friends.

Lord *North* declared, that it had been produced for that very purpose. He observed, that though he had uniformly contended for a strict adherence to the practice of the House, yet he had never been absurd enough to assert, that there was no supposable occasion on which it might be dispensed with. He was persuaded that there must have been something singular to have given rise to the precedent quoted, though it ought not to be urged as a general rule. The American war was then about to commence, at least the seeds of it had become apparent; and precipitancy in voting the army estimates might, on such an occasion, be justifiable. The new parliament had, at the period alluded to, met for the first session; it was in the month of December; on account of the holidays, they must adjourn about the 24th; there might, therefore, be no impropriety in a new parliament, on the apparent approach of a war, giving a proof, by even transgressing an established rule, of their confidence in his Majesty's ministers, by voting the army in the expeditious manner they had done.

Mr. *Grenville* said, that he felt it more than difficult to regard the argument of the noble lord without surprise and indignation. He and his friends had contended, with unexampled confidence, that there was no precedent to countenance the proposed measures. Yet what had appeared on the Journals of the House, and during the noble lord's own administration also, but a precedent exactly in point, and a precedent which ought not to have escaped the recollection of the noble lord, or of his friends. The noble lord asserted that the war with America was then in view, and that this circumstance might account for the House going out of its common form for the purpose of giving proof of its confidence in ministry. But for what purpose was that confidence to be bestowed, but for the adopting a train of measures which he hoped his right hon. friend was incapable even of conceiving, as they had been so fatally prejudicial to the interests of the country. He could not sufficiently reprobate the conduct of those in opposition, who, with a strange effrontery, had called for precedents, and with an unexampled confidence had asserted, that there was no ground for continuing a measure which seemed fully justified by the Journals of the House.

Lord *North* answered, that the ingenuity of the hon. gentlemen opposite, who found it necessary, on all occasions, to have recourse to the American war, was entitled to admiration. The American war was a uniform topic with them. All its disasters were charged on him. In short, the American war was their favourite hobby-horse; they were fond of mounting him on all occasions. He would remind them, however, in what the American war originated—it was the Stamp Act. Hereditary virtue, and hereditary merit, had been talked of, and he believed, that if there was any thing in such ideas, they were as applicable to the hon. gentlemen, in the view of the American war, as to himself.

Mr. *Courtenay* remarked that the right hon. gentleman combated, in all his arguments, the authority of the Chair; that such an act of repugnancy was disrespectful in the extreme; that—

Mr. *Grenville* called him to order, and contended that the hon. gentleman had tortured his arguments, with a view to make them appear to the House calculated to convey a censure upon the Chair, than which nothing could be more distant from his intention.

Mr. *Courtenay* replied, that the right hon. member had given a striking proof of his sagacity, in having been able to discover, not what he had said, but what he was going to say. It was impossible, for two very substantial reasons, that he could have tortured the arguments of the right hon. gentleman: in the first place, he had scarcely uttered a sentence, when the right hon. gentleman thought proper to inter-

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rupt him. And in the next, it was impossible that he could have tortured his arguments; for, in truth, the right hon. gentleman had not used any arguments at all; but instead of speaking to the question, had deviated into extraneous matter, not at all applicable to the business then under consideration: such was his digression relative to the American war; in which the right hon. gentleman had used language the most unexpected that could have fallen from any man of delicacy; for when he first mentioned the American war, he thought he was most certainly going to defend it, from a principle of filial piety; and that he was about to follow the example of the Chancellor of the Exchequer, who had boasted, this day, that he had an hereditary right to like the establishment of a militia: so might the right hon. gentleman have boasted that he had an hereditary right to defend the American war. But it would seem, from what both gentlemen had said, that they claimed a right also to condemn and overturn those things for which they professed to entertain the greatest respect; and that though they agreed in principles with the public, they were always liable to avoid being obliged to admit all the consequences that would flow from them, by riding away upon a distinction. The American war had, in truth, been the work of the right hon. gentleman's father; but he never failed to abuse it, when, by so doing, he found an opportunity of attacking the noble lord in the blue ribbon. So the Chancellor of the Exchequer expressed his veneration for the militia, the establishment of which had been the work of his father; but his veneration appeared only in his words, for when the respectable country gentlemen, who had digested a system for rendering the militia efficient, waited upon him with their plan, he gave great praise to them for their patriotic labours, and approved of every part of the Bill except one, which was precisely the most essential part of the whole, the *sine quâ non* of the plan, without which they did not think they ought to proceed in it, as the rejection of this one part would completely defeat the great object of it. So that in truth the Chancellor of the Exchequer appeared now most clearly to be an enemy to the militia in effect, though he did not dare to avow it publicly in so many words; for he knew that, as it was a favourite service with the public, he would be deserted by the most independent men, who now supported him. This was not an idle suspicion on his part; he was sorry to see but too much reason for entertaining it. It was remarkable, that on all former occasions, the navy had been voted before the army: but this year there was a deviation from that practice, which was not a little surprising; nay, it was alarming when coupled with another circumstance, of which he had heard something, and which he believed would soon be known to the House at large; and that was, that on the next supply day a reduction of 2,000 seamen would be proposed. He would put it to the feelings of gentlemen, how far it was consistent with the spirit and genius of the constitution, to keep up a standing army to a great extent, which was only tolerated from year to year in this country; and to reduce the marine strength, while the constitutional land defence, the militia, was wholly neglected, and suffered to crumble away. With respect to points of order, there was an authority to which it was usual to appeal in matters of that nature—the authority of the chair. The right hon. gentleman who presided in it would, therefore, please to declare his opinion on the subject, and his decision should determine his vote.

The *Speaker* observed, that he trusted it would prove sufficient to repeat what he had said on the subject a few days ago, when the Secretary at War gave notice that he would move that the army estimates should on the present day be referred to the committee of supply. On that occasion he had thought it his duty to state, that it was the practice of the House to let the army estimates lie eight days upon the table, before they suffered them to be referred to the committee. He found, on that occasion, that the sense of the House seemed not to be in favour of that practice; upon which he observed that the House was certainly at liberty to change the order of its proceedings; but that he thought it his duty to state the practice, leaving it to the House to determine whether it should be still followed.

Mr. *Dundas*, having signified his veneration for the Chair, added, that in dissenting from it at present, he was countenanced by those who were ultimately to decide in such a point—the House at large. The hon. gentleman who had spoken immediately before the opinion was given from the chair, had not used any new arguments, but merely repeated,

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in coarse and clumsy language, the preceding arguments of others. He had also indulged himself in licentiously attacking the Chancellor of the Exchequer, endeavouring to represent him as an enemy to the militia; but should his right hon. friend think proper to make any reply to what had been urged against him on that head, he must have a much higher opinion of the arguments of that hon. gentleman than either he, or (he believed) the House could possibly entertain. The hon. gentleman thought proper to observe, that his two right hon. friends appeared constantly to agree with the public upon all those principles, which were regarded as sacred by the country; but that, by riding off upon a distinction, they never failed to find a pretence for defeating the wishes of the people, and avoiding an argument in the conclusion which might be deduced from the principles. But this was not the case; and it was only by misrepresentation that any colour could be given for such an assertion: for in no part of what the Chancellor of the Exchequer had said, could there be found the least reason for concluding that he was an enemy to the militia. Indeed, the very reverse appeared; and all that could be said against him on that head was, that he remained as yet unprepared to give as decided an opinion upon one particular point as other gentlemen were who had made it the subject of their study for many months past.—He must now beg leave to take notice of a sophism, used by a right hon gentleman (Mr. Fox), who observed, that he could not believe that his right hon. friend had not yet formed a decided opinion relative to the calling out the militia annually—and for this reason, that, as a minister, he must long since have determined what was to be the plan of national defence for the present year; and hence he inferred, that however the Chancellor of the Exchequer might wish to deny it, he had actually made up his mind on the question of calling out the militia, though he would not venture to state his opinion to the House. He agreed with the right hon. gentleman in his premises, that his right hon. friend, as a minister, must have made up his mind respecting the national defence for the present year; but it by no means followed from this, that he had formed a decided opinion on the propriety of calling out the militia annually; for certainly, a very great difference existed between the general plan of defence, and a particular regulation, because the calling out of the militia was no more than a regulation of a part of the existing defence of the country. On this occasion he must remark, that the very right hon. gentleman, who was foremost in attacking his right hon. friend, for not having already made up his mind upon that point, did not, even at the present moment, possess a decided opinion on the subject; and he was not an ordinary man; for, although out of office, he had been twice a minister. He should, therefore, beg leave to ask him, not as a minister, (Heaven forbid that he should be one at this moment!) but as a gentleman who had been a minister, why he did not make up his mind on the subject at either of the two periods when he had a share in the direction of his Majesty's councils, as during neither he had called out the militia. As to the point of order, with respect to himself, it was a matter of indifference whether the army was voted on the present day, or on the ensuing Friday: but he was very much surprised indeed, that gentlemen should assume what they were not able to prove; and his surprise was heightened, when he saw them persevere in defending a position, in defiance of evidence. They had been pleased to assert, that it was the invariable practice of the House not to vote the army estimates until they had lain upon the table eight days; but, unfortunately for them, an hon. gentleman opened the Journals, and the very first passage which caught his eye, afforded the most complete refutation of their doctrine. It was rather singular that his noble friend should have forgotten the case which had been quoted from the Journals, as it happened during his own administration. In order to overturn the consequence that was fairly deducible from it, his noble friend ought to shew that the case happened either during a war, or upon some pressing emergency, that would warrant a departure from a general rule; but this he could not do; for, in the first place, the matter had happened in time of peace; and in the next, the military establishment voted at that period was a peace establishment.

Mr. *Fox* said, that he must now yield to the necessity of rising in his own defence, because the right hon. gentleman had applied to him to know, why he, when in office, had not made up his mind, or called out the militia. This question was put to him as a man, and not as a minister; and though the right hon. gentleman

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had exclaimed, Heaven forbid that he should be a minister, he made little doubt but that, were he one, he might have much business to do with him, if he pleased. His answer to the question was short; he had been twice a minister, it was true; but the first time was a period of war, and consequently nothing could be drawn from his conduct at that time, applicable to a question about calling out the militia in time of peace; the second time he was in office, he remained there about nine months only, so that he had not had time to shew what his plan respecting the militia might have been; but, had he remained three months longer in office, possibly he might have thought it proper to call out the militia; and as it might have been done within the year, there was no ground for saying to a certainty that he would not have done it had he continued a year in office. But thus much was certain, that he would have depended greatly upon the opinion of professional men, in forming a decided opinion on that head; nor would he have been so *inops consilii*, as not to have been able to find men of proper talents to advise with; and after having taken their counsels, he would soon have become empowered to make up his mind: but the right hon. gentleman had already received the best advice from some of the ablest militia officers, and yet had not made up his mind on the subject. When the American war became again the threadbare subject, he was really surprised that gentlemen on the other side should be so imprudent as not to suffer that business to sleep; for if any one of them touched upon it, and ventured to condemn that war, he was sure to find at his elbow another ready to defend it. The enemies of that war would find in council, at dinner, at all the public boards, among their friends and associates, persons who would stand forward strenuously to defend the justice of that war; and, among others, a right hon. gentleman (Mr. Jenkinson) high in the confidence of the minister, who was still a member of that House, but who, if report could be depended upon, would shortly leave it, in order to grace another assembly. It had formerly been the practice of the other side of the House not to let any opportunity slip to attack him (Mr. Fox) upon a measure (the East India Bill) as much condemned as the American war; but he perceived, that of late, that Bill had the good fortune to pass unnoticed; probably on account of the amazing success which accompanied the Bill of the right hon. gentleman, which was to have removed all the objections that were urged against his proscribed Bill. He wondered that the gentlemen on the other side of the House did not act as wisely with respect to the American war, and consign it to oblivion, equally with a Bill which was once as much an object of censure as the American war. Prudence should have taught them to do the one, as well as the other.

The motion for going into the committee was then carried without a division.

Debate on a Motion for a Call of the House.] Feb. 13. Mr. *Vyner* wished to trespass, during a short time, upon the attention of the House, whilst he briefly stated his reasons for a motion which he flattered himself would pass without objection, as it was merely calculated to oblige them to do their duty as members of parliament. Previous to his putting any motion into the hands of the Speaker, he would state the reasons which induced him to bring it forward. The Chancellor of the Exchequer had, with a degree of candour which did him great honour, given a specific notice, that when the ordnance estimates were to be taken into consideration, it was intended that they should at the same time determine upon the great question of dock-yard fortification. The question Mr. Vyner declared to be, in his opinion, a question of infinite magnitude; it led to considerations of the most serious consequence, and, perhaps, might go the extreme length of effecting a change in the government of the country; it was in all regards necessary, therefore, that the discussion of such a subject should come on before as full a House as could possibly be convened. The regular way of obtaining a full attendance, was by moving a call of the House; and as he meant to move a call with a view to the procuring a full attendance, he hoped the right hon. gentleman would agree to separate that question from the other, and let it lie over for the consideration of the House after the call had operated effectually. He had no wish to delay the public business an hour, but was ready to vote the ordnance estimates forthwith. All he asked was, that before the question respecting the fortification of the dock-yards was considered, the call might be allowed to take place; because, in his mind, it was due to their consti-

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tuents and to the nation, that they should have the fullest opportunity of informing themselves upon the subject, before they passed a vote that would authorize a system of national defence extremely novel and extremely expensive. He then moved, "That this House be called on the 6th of March."

Mr. *Pitt* said, that it was not possible for him, upon any account, much less on one of so important a nature as the question of fortifications, to object to the use of all methods to enforce a full attendance; but he could not assent to the procrastination of that business during the length of time desired by the hon. gentleman. It was difficult to account for the inconsistence with which gentlemen on the other side of the House endeavoured, on all occasions, to delay the business of the nation, after their complaining that the House had not made sufficient progress. As to the term 'novel,' which the hon. gentleman had applied to the business of the fortifications, he certainly could not mean to describe it as such, with respect to the degree of notoriety and expectancy with which it was attended; for, surely no object had ever come before Parliament with more preparation than it would appear, having now been depending during the course of three sessions, and a board of naval and land officers having been appointed to examine and report the propriety of the measure. So that evidently the House and the public must be sufficiently apprised of the nature and extent of the business; nor could there arise any necessity for putting off the final consideration of it to a more distant period than that already appointed. With these impressions, it was impossible for him to avoid considering the motion as a measure of procrastination, and therefore he should oppose it.

Mr. *Fox* expressed his astonishment that the right hon. gentleman should resist the motion, because, in his opinion, it was perfectly easy so to arrange the matter as not to lose a moment, in regard to the necessary dispatch of the public business, and at the same time to accommodate the wishes of the hon. mover, and of all who thought with him, that the question was one of the most serious importance. The right hon. gentleman had himself, on a former occasion, declared, that those who were adverse to the proposed system of fortification, would naturally vote, that the sum to be granted for the ordnance for the estimates of the year should be 250,000*l.* instead of 300,000*l.* The case standing upon this ground, what objection could the right hon. gentleman entertain against their voting at once, next Monday, that 250,000*l.* be granted for the ordnance, and leaving it to be understood, that when a fit opportunity for a full and fair discussion of the fortification question offered, if it was then determined that the fortification system should be proceeded in, that an additional 50,000*l.* should be voted for the estimates of the ordnance? This would settle the point at once, and not check the necessary dispatch of business; but, taking the case another way, why not postpone the whole consideration, if it were true that the one question was inseparably implicated and involved in the other? Was it possible for any sort of inconvenience to arise, if the consideration of these estimates were to be delayed for a fortnight? It appeared to him to be absurd to maintain that any inconveniency would arise from so trifling a delay; and when the infinite importance of the vote they were to be called upon to give was duly considered, he hardly believed there was a man in the kingdom who would not hold himself obliged to the House for its deliberation, and think they did their duty best, by not rashly agreeing to a vote that was to entail on future parliaments an expense, the extent of which no man living would take upon himself to describe. He reminded the House of the wide difference between the vote in question and all other votes. They were not to be called on to vote a stated sum, and by that vote to close the account; but were to begin a series of votes which might entail upon posterity, an endless extent of expense. If a system, so far novel that few had made up their minds upon it, was to be blindly adopted, what infinite mischief might not ensue to the country!

Mr. *Martin* said, he had a great respect for the noble duke at the head of the ordnance, but he believed that it would be extremely difficult for that noble person to bring him to the opinion, that such a system of fortification as that proposed was actually necessary. Perhaps, when the matter came to be discussed, he should hear as an answer to the objections which might be stated against the plan, that although we had hitherto relied on our navy for the defence of our dock-yards, yet at present our navy, compared with the naval force of the other powers of Europe, was

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not sufficiently superior to be trusted to solely. In that case, he should think it would be wiser to vote the 50,000*l.* in question towards strengthening our navy, than towards the fortifications proposed. He certainly would vote for the motion; and if it should be carried, he hoped it would be effectually enforced, because calls of the House, as generally executed, were, in his mind, the greatest farces imaginable.

Mr. *Vyner* begged to assure the House that he would not have made the motion, except from the fullest conviction, that the matter was of the first moment, and that it could not be too deliberately considered. He hoped, therefore, it would be agreed to. No circumstance upon earth but a sense of duty should have induced him to make the motion.

The House divided: Yeas, 54; Noes, 100.

Bill to prevent Frivolous Suits in Ecclesiastical Courts.] Mr. *Bastard* rose and remarked, that no matter stood more in need of regulation and reform, than the practice of the Ecclesiastical Courts, in a variety of different species of legal process and prosecution. On the present occasion, however, he did not mean to take up the time of the House by entering into a detail of all the arbitrary, severe, and unjust effects which had arisen in consequence of the practices in question; because, he not only knew his own limited abilities, but would not wish to shock the feelings of the House, by stating to them the degree of oppression which they had, for a series of years, suffered to exist in the country. He would content himself with moving for leave to bring in a Bill, and barely hint the objects to which that Bill would be directed. The first went to the abolition of the practice of prosecuting for anti-nuptial fornication as it stood at present. In order to prove that this point required immediate regulation, Mr. Bastard stated two or three cases, in which the parties had been prosecuted with great appearance of oppression; one in particular, the case of a man who had a suit commenced against him in the ecclesiastical court for anti-nuptial fornication six or seven years after his wife had been dead. Another object of this Bill, was to put a stop to all prosecutions for small tithes in the Ecclesiastical court, and in the court of Exchequer, and to put them on a footing more fit to be adopted. He had intended to have put into his Bill an extension of what was called the Lords Act to debtors, to a limited amount; but as there was a Bill now pending in the other House, in which that very purpose was achieved, he had not interfered with it. In conclusion, he moved, "for leave to bring in a Bill to prevent frivolous and vexatious suits in the Ecclesiastical Courts, and for the more easy recovery of small Tithes."—Leave was given to bring in a Bill.

Complaint that a List of Members to serve on the East India Judicature had been delivered at the Door of the House.] Feb. 15. Mr. Sheridan complained that a List of Members to be that day balloted to serve on the Judicature to try Indian Delinquents, had been delivered at the door of the House.

Feb. 16. Mr. *Sheridan* begged leave to assure the House that it was very far from his intention to trespass upon their patience with some remarks which now he deemed it necessary to make, if, on the preceding day, some hon. gentlemen, in the service of Administration, had not insinuated, with an air of triumph over him for his supposed defection, that, with reproachful inconsistency, he had first stated a motion to the House, and then suddenly deserted it, without having previously pursued it to any opening whatsoever. If gentlemen would honour him with their attention, he felt persuaded that he should totally exonerate himself from all charges of inconsistency. When he came down yesterday to the House, he perceived, and not without astonishment, the door-keeper putting into the hands of every member a paper containing a written list of the names of gentlemen by way of a balloting list; and having the strongest grounds for belief that these papers were prepared at the Treasury, and that it was by their direction the door-keeper delivered them, and feeling that such conduct was a direct and scandalous attack upon the privileges of that House, and conceiving, likewise, that it was most shamefully indecent on the part of Administration, and that it flatly contradicted the affectation of impartiality with which the Bill was fraught, in respect to the mode of constituting the court of judicature, he had risen and stated his intention of proving the fact by moving, "that the door-keeper be called to the bar of the House," which motion he was proceeding to ground upon argument,

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when he had been called down from the chair—very properly called down, he was ready to admit, on the part of the Speaker, who had been reminded that two hundred members were present, and desired to lock the door and proceed to the ballot, in compliance with the act of parliament which authorized the institution of the court of judicature. This having proved the case, and the ballot having been actually proceeded upon, was there any inconsistency in his not afterwards attempting to make his motion? One reason upon which he meant to have rested it, and one object to which he intended to have pointed it, tended to shew the necessity and propriety of postponing the ballot to another day. Mr. Sheridan strenuously contended, that it would have been most absurd in him to have attempted to have made his motion, when so essential an end aimed at by it as the getting the ballot postponed was determined and over by the ballot having taken place. That was an explanation of his conduct of the preceding day, and he left it to the House to decide whether it was at all inconsistent or contradictory. He complained of the minister's having taken an unfair advantage of the letter of the act of parliament in calling to the Speaker to shut the doors when he did. He admitted that, according to the letter of the act, such conduct was warranted; but under such a strict enforcement of the letter of the act, the minister might, when the House were in a division, and one hundred members (those in the opposition) out in the lobby, and two hundred (all the friends of the minister) within the House, call to the chair to lock the doors, and proceed to ballot with a complete certainty of carrying the election his own way. What could be more gross and preposterous than the minister's conduct of the preceding day, when he prevented him from opening his motion, by calling to the chair to have the doors shut while he was on his legs? What he meant now to move, would be that part of his yesterday's purpose, which might be usefully accomplished, and this was; "That the door-keeper be called to the bar of the House, there to state from whom he received the written lists, and by whose authority he delivered them to the members as they entered. The fact was an infringement of the privileges of the House, and an indecent and direct attempt to influence members in their capacity of electors of the new court of judicature, by Treasury interference. He flattered himself that he should not again hear the ridiculous argument that there was no compulsion used, and that the papers left the minds of the members as free and unbiassed as they were before they saw them. [Mr. Pitt said, across the House, 'So they did.'] Mr. Sheridan declared his extreme surprise at the right hon. gentleman's still contending for so palpable an absurdity; he said, he had imagined even the shortest time for recollection would have convinced the right hon. gentleman, that the position was truly ridiculous; and, that although Mr. Pearson had not taken the members individually by the shoulders, and forced them by manual strength to ballot for the list which he had put into their hands, yet, certainly, by thrusting the Treasury list into their hands, he had not left their minds as completely free and uninfluenced as they had been before. The Bill affected great impartiality on the part of the minister; and it had been argued at the time the Bill was in progress, that it was intended, that the minister for the time being should not interfere in the election of the new court of judicature in any way whatever. How could this be reconciled to the conduct adopted? A conduct at once so indecent and so degrading to them, that if the right hon. gentleman dared to rise and avow, that the lists were prepared by his orders, and delivered by his authority, he would pledge himself to move the severest censure of that House upon the right hon. gentleman. And, indeed, it was the duty of the House to institute an inquiry, in order to ascertain what he had stated as matter highly culpable on the part of the Treasury; and the House could take no means so effectual of doing that, as by ordering their door-keeper to the bar. He desired not to be misunderstood as meaning to cast any sort of slur on the characters whose names were in the written lists; more respectable characters he knew not, and so far was he from wishing it to be conceived that he intended to throw any imputation upon them, that he was not without hopes that they would feel that he was combating their cause, and would all vote with him. With these impressions, he should move, "That Mr. Joseph Pearson, door-keeper, be now called in to the bar to be examined in relation to the said complaint."

Mr. *Francis* seconding the motion, added, that he had not attended the ballot,

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as he had uniformly professed himself adverse to the constitution of a court of judicature so unconstitutional in its origin and principle, and so inimical to the natural rights of British subjects. Upon the face of the matter, it struck him that the election had been partially conducted, and that an inquiry was necessary. This served to confirm his former suspicions of the extreme unjustifiableness of the institution, and that the tribunal was meant to be thrust forward as a rod of ministerial power, to fall heavy on those whose opinions led them to take an adverse part against Administration, but to be lightly handled, with respect to others, who might conduct themselves in a manner more accommodating to the wishes and wills of the powers in being.

Sir *Joseph Mawbey* remarked that the motion was needless, and that all the arguments urged in support of it were rather insulting to the House, as they went upon the supposition, that part of it was liable to undue influence, when proceeding to exercise its capacity of electors of the new court of judicature. For his own part, he by no means wished to inquire from whom the door-keeper received the papers he delivered; they had not influenced him, nor did he believe they had influenced any gentleman who balloted. They might just as well proceed to inquire by whom all the various papers, put into their hands from time to time in the course of the session came, such as petitions for bills and other things; an investigation which (to give it the gentlest term) must be a shameful trespass upon the valuable moments of the House.

Mr. *Pitt* expressed his wishes that a complaint of so frivolous and idle a nature would not occasion much debate on a day when, agreeably to notice, other great and important topics were to be taken under consideration. The two heads of an assertion into which the hon. gentleman had divided his charge, first, that the written lists having been delivered was a violation of the privileges of the House, and next that it stood forward as an instance of the minister's having attempted to interfere in an election vested in the members of that House, by Treasury influence, were each of them so obviously ill-founded and delusive, that they scarcely merited a serious answer. In respect to the supposed breach of privilege, there had been none. For what specific privilege of the House did the fact assumed in argument, but without a shadow of proof, trench upon? Supposing even that it were true, that the written lists had been prepared and delivered as the hon. gentleman had asserted, where was the breach of privilege? And as to the idea, that the minds of gentlemen were liable to be influenced, upon having a written list of names put into their hands to do what they pleased with, unaccompanied by any request or any compulsion to vote for any one name in the list, that something more than insinuation (for the hon. gentleman had that day invented a new shade of assertion) was too insulting to the House to be tolerated a moment. But would any man imagine that the hon. gentleman or his friends had, in serious truth, any concern for that impartiality in the constitution of the court of judicature, for which they were now so eager to profess themselves the advocates, when their conduct on the day of the ballot was considered? It was in the power of forty of them, by staying and doing their duty by balloting, to have put any name upon the list and had it returned; for, with such attention to a fair and impartial election of the court had the Act been framed, that it was so worded, that no minister had it in his power to prevent any name from being put upon the list that forty members chose to ballot for. Instead, however, of the hon. gentleman and his friends taking this fair and becoming mode of insuring a return of impartial characters, according to their ideas of impartial characters, they had deserted their duty and abandoned the ballot. It was evident, therefore, that the attempt so made to raise a clamour, was merely an attempt to throw impediments in the way of public business, and to create alarm in the minds of the people, by ill-founded and frivolous complaints. Of the gentlemen who balloted he could observe, without dread of contradiction, that their characters were too spotless either to need praise or shrink from censure.

Mr. *Fox* said, that he could not without equal indignation and surprise observe those very persons who had, night after night, in nearly all their speeches, when he was in office, and conducting his India Bill through the House, attacked him, and charged him with having given himself the nomination of the persons who were to act under the Bill, when he rose up as Secretary of State, and suggested their names for the election of the House,

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at this moment contending that to deliver Treasury lists was no interference of the ministry, and that the minds of gentlemen were left as free as before they saw those lists. When he had the honour to stand up in his place, and nominate earl Fitzwilliam, Mr. Montague, and the other great and respectable characters who were to have been in the commission instituted by his India Bill, was it not again and again said to him, by the right hon. gentleman, and all round him at that time, "You are nominating your own creatures; you talk of the House of Commons making their election; the majority of the House of Commons always vote with the minister on great public points, and consequently the minister who nominates within these walls, elects, and not the House of Commons!" This language had been so often urged, that no man who heard it at the time could have forgotten it, nor would any man, he believed, be hardy enough to deny it. Where was the difference between his standing up publicly as a Secretary of State and nominating, taking upon himself at the same time the responsibility for so doing, and the Treasury's nominating, by circulation of lists, except, indeed, the difference between open and occult, between public and avowed, secret and concealed nomination? That the Treasury had compelled gentlemen to vote for any given list of names, Mr. Fox declared he would not say; but he would say, they had canvassed, and the event showed that their canvas had been successful; for though there had been fifty-seven names returned upon the issue of the ballot, the whole forty that the canvassing lists contained, were, he observed, in the number. Nor was it to be wondered at that the Treasury canvas had proved successful; for, notwithstanding the ridiculous arguments and assertions urged and maintained, that the House were not to be influenced by a minister, daily experience proved that they were; and that they were, he should never be afraid to assert, without meaning to cast a slur upon the House or any part of it. The delivery of written lists was, indeed, the ordinary mode of canvas adopted without doors, on various occasions; but, however decent in those, it was highly indecent in the recent instance of the preceding day. The accusation of his having neglected his duty in not balloting, it was sufficient to answer, by professing himself an enemy to the Bill.

Mr. *Drake* jun. argued in favour of the supposed essential difference between publicly and officially nominating in the manner the right hon. gentleman had done when Secretary of State, and the delivering out lists of names anonymously in the manner complained of. He thought there was no want of decorum in that, though he had seen want of decorum in those who had deserted their duty and avoided the ballot. He said that he stood in a peculiar predicament with regard to the subject of which he treated; but he would nevertheless contend that those very respectable gentlemen who balloted, had done themselves great honour. The paper in question had not influenced him; he was the spaniel of no minister, the invariably attached adherent of no party.

Mr. *Martin* said, that when the right hon. gentleman canvassed for Westminster, he believed, he thought it necessary to do something more than barely write his name on a piece of paper, and leave it with the party canvassed. Mr. Martin declared that he had received one of the papers containing forty names; that it had not influenced his ballot in the least; and that he thought it would be an idle piece of business to have their old servant brought from the door and placed at the bar of the House.

The House divided on Mr. Sheridan's Motion: Yeas, 38; Noes, 138.

Debate on Mr. Burke's Accusation of Mr. Hastings.] Feb. 17. Mr. *Burke* rose, and requested that the Journals might be consulted for the 44th and 45th resolutions of the 28th of May, 1782. These were now read, and are as follow:

"That for the purpose of conveying entire conviction to the minds of the native princes, that to commence hostilities without just provocation against them, and to pursue schemes of conquest and extent of dominion, are measures repugnant to the wish, the honour, and the policy of this nation, the Parliament of Great Britain should give some signal mark of its displeasure against those, in whatever degree entrusted with the charge of the East India Company's affairs, who shall appear wilfully to have adopted or countenanced a system tending to inspire a reasonable distrust of the moderation, justice, and good faith of the British nation."

"That Warren Hastings, esq. governor-general of Bengal, and William Hornsby, esq. president of the council at Bombay,

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having, in sundry instances, acted in a manner repugnant to the honour and policy of this nation, and thereby brought great calamities on India, and enormous expenses on the East India Company, it is the duty of the directors of the said Company to pursue all legal and effectual means for the removal of the said Governor-general and President from their respective offices, and to recall them to Great Britain."

Mr. Burke now said, that it was not without considerable uneasiness that he discovered that the task of introducing to the attention of the House the solemn and important business of the day was on the point of falling to his lot, when (as all to whom he had the honour of addressing himself would certainly allow) it might have been brought forward, in the plenitude of weight and efficacy, by the right hon. member, (Mr. Dundas) whose propositions were the very basis of the resolution, the contents of which had only in the preceding moment been recited. A party, of all others, the most interested in the awful progress and ultimate result of any proceedings which might arise, had, with becoming dignity of character, called firmly on him to advance his charges; and so pointed was the nature of his invocation, that it rendered it impossible for him to evade the execution of his duty. Under these circumstances, most feelingly did he lament, that, as the unwelcome consequence of a devolution, caused partly by the natural demise of some, the political decease of others, and, in particular cases, a death to virtue and to principle, he should now remain alone engaged in the attempt to keep the honour and the consistency of the House in their unsullied lustre, to impart vigour to its intentions, and to facilitate and fix the efficacy of a sentence, subsequent to the passing of which a period of four years had actually elapsed. On the present occasion, he trusted that, in common justice, he should not be considered in any other character than as the mere agent of the House, who, at the very time to which he referred, had fixed upon Mr. Hastings as an object of their particularly marked and formal accusations. His province, therefore, was subordinate, confining him within the necessary endeavour to accelerate the accomplishment of a point aimed at most indubitably by the House, and which ought, perhaps, much earlier to have been fulfilled. Whosoever acted under the sanction of the authority of the House might certainly, without arrogance, assert a claim to its protection, as far at least as the word protection would bear to be interpreted as that candid and honourable construction of a procedure to which all, determined upon the purest and most unassailable adherence to what they deemed a rectitude of conduct, were thoroughly entitled.

For the purpose of rendering the whole House (but more especially its newly-elected members) possessed of a full idea concerning the nature of every preceding vote which bore affinity to the transactions and affairs of India, he must beg the favour of carrying the recollection of those to whom he had the honour of addressing himself to matters of a remoter date; a review, during which, sensible of the impropriety of trespassing too long upon their attention, he should consult as much as possible a brevity in his descriptions. They might remember that, during the course of the year 1764, or, at least, near to that period, the East India Company dispatched lord Clive to their settlements in that quarter, for the purpose of there becoming instrumental to the introduction and establishment of certain principles of government, then regarded as indispensably requisite for preserving, in less precarious security, and amidst the influence of a wiser policy, the territorial possessions of Great Britain. The successes of this noble lord surpassed even the sanguine expectations of those who were inclined to give him credit for achievements of the first importance; and with such astonishing rapidity did the most extensive and rich domains of this almost completely vanquished region become appurtenances to our East India Company, that mankind were left at a loss whether most to wonder at the sudden inundations of prosperity, or the at-once-accumulated riches which marked the brilliancy and vigour of its existence. From this æra did opulence bring forward one of its too customary and baneful effects, by throwing open all the channels of ungovernable corruption. The most enormous abuses were in a moment piled, each upon the other, till every spot of British territories in the East Indies became a shocking theatre of that variety of crimes to which the lust of avarice and ambition so frequently impels the worthless part of human kind. Disgrace became naturally interwoven with the commission of enormities; the honour of Englishmen not only lost its lustre, but

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received an ignominious stain; and, whilst the princes of the East considered with detestation the violent and unpardonable measures of the subjects of Great Britain, the states of Europe, with equal indications of abhorrence, adopted and dispersed their sentiments. When lord Clive returned to England, it was deemed absolutely requisite to invest with the presidency of the council at Calcutta, and the governorship of Bengal, some person to whom the principles of government in the East Indies, as arranged and consolidated into a system by the noble peer, were not barely intimately known, but perfectly congenial; and, doubtless, it was for this reason that Mr. Warren Hastings became removed from Madras to the government of Bengal.

In this train, the tendency of which was obvious, affairs proceeded, until the Parliament, grown sensible of the necessity of scrutinizing their merits by the most serious and ample investigations, threw open and continued their inquiries concerning the actual state, whether upon a general or a particular ground, of the Company in the East Indies. From one period to another, several committees were appointed, and various proceedings also took place in consequence of their reports. At last, during a moment, which was the dreadful prelude to one of the bitterest and most disgraceful to the national misfortunes, the war against America burst forth; yet, even through the continuation of hostilities, upon our side, at once frantic and ineffectual, the situation of affairs in the East Indies, far from having been forgotten, became a frequent object of the close attention of the House of Commons, who, in the year 1781, thought fit to establish, in two separate and totally distinct departments, a secret and a select committee. A right hon. gentleman (Mr. Dundas) was, upon this occasion, placed at the head of the secret committee; and particularly from his investigations and propositions, had resulted a well-known string of resolutions, from amongst which he (Mr. Burke) had just selected one concerning Warren Hastings and William Hornby, esquires; a resolution not couched in terms which could at all suffer even the slightest equivocal interpretation, but conveying against them, as powerfully as it was possible for words to point the meaning, the most direct accusation of negligence of duty, and of improper proceedings throughout the course of their enjoyment of high official situations. Surely it was a theme for universal astonishment, that when the right hon. gentleman had discovered, from an acute and indefatigable investigation of occurrences, that even every tittle of this striking resolution was grounded upon the strong foundations of the most unanswerable truths, he should, with a degree of coldness almost approaching to indifference, have remained contented with the inactive sequel of his great and arduous task, which, at its conclusion, (dissimilar, indeed, from its extraordinary and spirited beginning and procedure!) sunk into little more than a faint persuasion to the House to adopt and vote the resolution. An hon. gentleman (general Smith) at present not enjoying a seat among the Commons, moved, on a former occasion, for the select committee, when another hon. gentleman (Secretary to the Board of Control) seconded the motion: and, certainly, it would have appeared becoming in this hon. gentleman, if he had submitted the matter to the serious attention, and not have left him (Mr. Burke) to engage in a matter which was more peculiarly his own province. Of the select committee, Mr. Burke added, that he was an unworthy member; but he could venture to assert, that although he, or even his associates, might have been outstripped by others in those vigorous and deeply-scrutinizing powers of the mind, so greatly beneficial when it is necessary to unravel a vast and intricate combination of occurrences, at once important and alarming, yet no persons whatsoever could have exceeded them in zeal and assiduity. From the most unabated and ardent attention, manifested by the committees to every point submitted to their opinion, had arisen an immense and well-digested body of evidence, forming, indeed, a most voluminous pile of reports for the table of the House, yet not less than highly interesting throughout every part of its amazing bulk, although the labours of any seven preceding committees had fallen considerably short of so extended and comprehensive an arrangement. That such absolutely was the case could not, in fair argument, be disproved, even by a noble and learned lord (Thurlow) highly distinguished on account of the pre-eminence of his office, yet more an object of celebrity as being in the full vigour of great influence, and extraordinary talents; nor less conspicuous as keeper of the Royal

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conscience; in which singular and exalted character he thought proper to observe, in an august assembly, that the reports of this House concerning the situation of affairs in the East Indies, were scarcely of more consideration than idle fables; thus treating them like the fanciful adventures of Robinson Crusoe, or the wild chimera of any writers of romance! But neither wit nor ridicule, from howsoever brilliant or venerated a quarter they might proceed, could invalidate the nature and force of these reports; and, therefore, in defiance of either the keen severity of raillery at once unmerited and groundless, or the imposing plausibility of an insidious style of argument, should he rest his own particular accusation against Mr. Hastings, as a delinquent of the first magnitude, upon the united authority of the very heavy charges to which he stands exposed in these reports, and of the string of resolutions remaining upon the Journals, of the 28th of May 1782; a matter which, coolly and impartially considered, must totally exempt him from the imputation of pressing more upon the attention of the House than they already had admitted and declared. One striking proof that the Commons of Great Britain had not, amidst their investigations of the affairs and occurrences in the East Indies, proceeded with either precipitation or wantonness, or without the most deliberate and sound advice, and that their labours were deemed entitled to very high regard, might fairly be deduced (in fact the premises would not admit a different conclusion) from the honourable manner in which, at the close of the session of 1782, the subject was recommended, in a Speech from the Throne, as calling for the strictest parliamentary investigations. Nor did this example stand long alone. It was followed by a second, not less pointed and convincing, when, from the same exalted quarter, expressions, particularly gracious, were dropped, in favour of the progress made by the House, at the opening of the ensuing session, with respect to an examination into the nature of measures and occurrences in the East Indies. Having read to the House the extracts from the speeches in question, Mr. Burke remarked, that they ought to operate as an irresistible incitement to their following up the point until they should have detected every various delinquency, and brought the most criminal offenders to exemplary atonements.

In explanation of the process whereon he meant to enter with respect to Mr. Hastings, against whom, with a degree of warmth amounting to an appearance of defiance, he had been loudly called upon to advance his accusation, (and against whom he certainly should advance it, were the papers for which he meant to move thrown open to his inspection), he must beg leave to remind the House, that three several examples of the mode of proceeding against state delinquents were on record; and that, according to the exigencies of particular cases, each had been, at different periods, adopted. The first was a direction to the Attorney General to prosecute. From this measure, he must acknowledge himself totally averse, because he had reason to believe that the learned gentleman now vested in that high official situation, to which his truly respectable character and professional abilities rendered him equal, in every sense of the expression, did not discover any zealous inclination to support the point in question, and bring it forward under the weight and sanction of his powers, to impress the House with a due sense of the measures which it behoved them to pursue, in order to bring delinquents (should such be found) to signal punishments: nor, indeed, did he conceive that a trial by jury was, of all others, the most unexceptionable and best devised for the purpose of obtaining ample justice against an offender so great and elevated (if opulence, talents, and connexions could elevate) as the person whom he felt it as his duty on this occasion to pursue. As little was he prepossessed in favour of an application to the court of King's-bench, from an idea that the magnitude of the trial (which he anxiously wished to have brought forward in that shape, which would the most certainly facilitate the progress and ultimate decisions of impartial justice) would overwhelm the varying multitude of lesser causes of *meum* and *tuum*, assault and battery, conversion and trover, trespass and burglary, together with an innumerable tribe of different misdemeanors. Contending, therefore, (as he described himself) against the mode of prosecuting through the Attorney General, against a trial by jury, and against the institution of a suit in the court of King's Bench; it might naturally be asked, whether he would wish to introduce a bill of pains and penalties, and to collect the evidence which such a mode might render requi-

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site? To this question he should not hesitate to reply, that the procedure must press, with the severity of injustice, upon the party prosecuted, and tarnish in no slight degree the character and honourable dignity of the House; of which the members would thus appear to present themselves a motley set, at one moment in the capacity of accusers, and at another moment in the deciding rank of judges: and, certainly, it appeared an act of violence to force a supposed criminal into an anticipation of his defence, and to order him to attend, together with his counsel, at the bar, for the purpose of stating (in the presence of an assembly, the members of which preposterously presided in the two-fold capacity of accusers and of judges) to what ground he meant to resort for proofs of his innocence, when required to enter upon his exculpation in another place; the forms and rules of which, exacting evidences on oath, were more within the spirit of the customary practice of judicial trials. His invincible objection to a bill of pains and penalties would of course lead him to the proposition of another mode; and this, at once ancient and constitutional, was a procedure by a bill of impeachment: yet, even in the adoption of this measure, he would not endeavour to introduce the usual practice of first moving an immediate bill of impeachment, and next instituting a committee for the purpose of discovering and arranging articles, in order that they might serve as its foundation;—a recourse which, in his humble opinion, carried with it an appearance of warmth and prejudice exceedingly repugnant to the justice, dignity, and honour of the House. With their permission, he should move for papers, from the contents of which he would endeavour to collect the several articles into their necessary points of view; and when these should, in the contemplation of the House, seem (as, without rancour, and, in the cool spirit of impartial justice, he could venture to intimate his belief that they would seem) charges of an atrocious nature, he then designed to move for an impeachment at the bar of the House of Lords. This grave and solemn measure would not only prove congenial with the weight and high authority of the representatives of the people of Great Britain, but most powerfully contribute to the attainment of all the awful and decisive consequences which could arise from justice. On this occasion it was superfluous to dwell upon the indisputable necessity of acting with the most guarded caution and the coolest impartiality. In the very moment when an accuser brought his charges against another, was he, in a considerable degree, himself standing under a state of accusation. Conscious how religiously he was obliged to act upon the surest grounds, he chose the line of conduct to which he now alluded, persuaded that this, of all others, might be pursued, without the least danger of either plunging into error, encroaching upon the purity of law by violent oppression, or deviating, in any case, from that invariably equitable point to which the course of real justice perpetually ran. He lamented (but he felt it unavoidable) that the inquiry must become personal; nor was he now to learn, that if, in the present instance, the people of India could be permitted to make a choice, they would prefer a procedure, of which the result might discover the existence of peculation, yet not reveal the peculator; might bring into the face of day the proofs of scandalous corruption, yet hide equally, from all inquiring eyes, the corruptor and the corrupted; might make it manifest with what invincible fatality the torrent of outrageous vice broke down and dashed away each obstacle before it, yet kept the vicious individuals entirely concealed from human penetration; and, in a word, might imitate the verdict of a coroner—declare that murder had taken place, but add, that it was committed by persons unknown. For the purpose of tracing peculation to the peculator, corruption to the corruptor, and vice to the vicious, were the various committees employed from time to time in obedience to the votes and orders of the House; and the result was, that the committee, at which a spirited and truly irreproachable individual (Mr. Gregory) presided, during the course of three successive years, did (as well as two subsequent committees) declare, that it was impossible for the government in the East Indies to be foul, and the head of that government pure. Under all these circumstances, and keeping in his view the resolution of the House accusatory of Mr. Hastings, Mr. Burke declared that he should consider himself justified in all his succeeding motions, of which the first would be, "That there be laid before this House copies of all correspondence, since the month of January 1782, between Warren Hastings, esq., late Governor-ge-

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neral of Bengal, and the Court of Directors, as well before as since the return of the said Governor-general, relative to the presents and other money privately received by the said Governor-general."

Mr. *Windham* seconded the motion.

Alderman *Le Mesurier*, complained that the hon. gentleman had not stated to the House all the papers for which he meant to call; neither had he opened the points to which those papers were meant to be applied. This, doubtless, was always customary; and indeed common sense required that such a mode should constantly prevail, as the House would otherwise be drawn on step by step, till they could not know how to recede. The resolutions, he understood, had passed in a very thin House; they ought not therefore to be made the ground of so serious a proceeding. Mr. Hastings had proved himself a meritorious servant of the Company; and in giving him that character, he spoke impartially, as he was a perfect stranger to him, and did not even know his person: but from all which he had seen of the records of the Company during the two last years, throughout which period he had been in the direction, he saw no reason whatever to suppose Mr. Hastings the delinquent the hon. gentleman had thought proper to describe him. The hon. gentleman had chosen to indulge himself in some remarks relative to the trial by jury, and therefore, surely, after so public an avowal from that side of the House of an opinion against trials by jury, whenever the East India judicature should again fall under discussion, they would not hear the gentlemen on the other side expressing their disapprobation of it in such vehement terms, as was their usual custom. He hoped the hon. gentleman would, in common candour, state to the House the whole of the papers for which he meant to move.

Mr. *Dundas* remarked, that a variety of pointed strictures, manifestly levelled at himself, induced him, at one time, to imagine that he was the criminal whom the right hon. gentleman had determined to bring to justice. He was glad, however, on that occasion, and he should always rejoice if gentlemen, when they meant to say any thing which bore allusion to his conduct, would say it in that House, and in his presence, when he might make that sort of reply which the accusation appeared to merit. He never was ashamed to meet all who had any thing to say against him, face to face; and he rather wished that they would act in that manly way, and not attack him in anonymous libels, and delusive pamphlets, crammed with false and illiberal charges, and circulated with industry through every corner of the kingdom. The right hon. gentleman was of opinion, that he (Mr. Dundas) ought to have been the accuser of Mr. Hastings. Why, he was utterly at a loss to imagine, because at no one period of his life had he ever dropped the most distant hint that he meant to become the accuser of Mr. Hastings; but, on the contrary, he had again and again declared, that he had no such intention; and he appealed to those who sat with him on the secret committee, two of whom he saw opposite to him (colonel North and Mr. Ellis), whether he had even glanced at such an idea? He had, undoubtedly, been the person to suggest the string of resolutions which appeared upon their Journals; and he did not feel the smallest scruple to admit, that the same sentiments which he had entertained respecting Mr. Hastings, at the time of proposing those resolutions, he harboured concerning him at that moment. But, were these sentiments from which it was warrantable to infer, that he supposed the conduct of Mr. Hastings such as made him a fit object for a criminal prosecution? Far from it. To what did the resolution, upon which the right hon. gentleman had laid so much stress, proceed? To nothing more than the recall of Mr. Hastings; a matter which he, at the time, thought expedient, and had recommended to the House in this particular light. With respect to the conduct of Mr. Hastings previous to 1782, the breach of the treaty of Poorunder, and the great and expensive establishments which he had made in India, he should briefly remark, that he, on these two occasions, thought him highly culpable at the time, and he still entertained the same idea; but he did not think that the procedure of Mr. Hastings amounted to criminality. He had examined his conduct minutely; and he always found, that when there was any improper conduct observable in Mr. Hastings, every possibility of annexing a criminal intention to it eluded his grasp, and there was always some letter of the court of directors, or some strong reason to justify Mr. Hastings at the bottom. In order to explain the expensive establishments in India, he should beg leave to read a letter written home by Mr. Hastings in 1782, in-

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which he complained of the situation he was in, in consequence of so many writers being sent out to him, declaring, that he had at that time 250 young men, the younger sons of the first families in Great Britain, all gaping for lacks and scrambling for patronage, in the hopes of getting fortunes soon enough to return in the prime of life, and spend the remainder of their days in their native country. This remonstrance was received in England in the beginning of 1783. And what was the attention paid to it? During that immaculate year, when sir Henry Fletcher sat at the head of the board of directors, so far from a restraining hand being extended over the increase of the establishments of India, no less than 36 writers were actually sent out. Indeed, he had not the list of the writers about him, but it was pretty obvious from what shop they came. Mr. Hastings had since 1782 done essential services to the Company, and had received the thanks of the court of directors; not that he meant to shelter himself under their minute; had he been a director, most undoubtedly he should have signed the minute of thanks, being thoroughly convinced that they were merited by Mr. Hastings. And, upon this occasion, he felt it necessary to declare, that, although he thought it expedient to recall him in 1782, on account of the breach of the treaty of Poorunder, and on account of the extremely expensive establishments introduced by him in India; yet he much rejoiced that this resolution had not been carried into effect, because in such a case he should have proved the means of depriving the Company of a most valuable servant, and the public of a governor-general of India remarkable for uncommon ardour, abilities, and capacity. He should not object to the motion; nor would he have troubled the House at all, had not so much been said personally to himself, that the House, he was persuaded, must have felt that it was due to them, that he should give some explanation on the points to which the right hon. gentleman had alluded.

Mr. *Fox* declared, that he had not the smallest idea of speaking during the course of the debate, had not some observations fallen from the right hon. gentleman, under which it was impossible for him to remain a moment silent. The only way in which he could meet the matter, was to oppose assertion to assertion, and to declare upon the word and honour of a gentleman, that if, in talking of the 36 writers sent out in 1783, when sir Henry Fletcher sat at the head of the board of East India Directors, and when he had himself the honour to be in administration, the right hon. gentleman meant to insinuate that he had been concerned in sending out any, he was completely and perfectly mistaken. In the whole course of his life, he never had sent out, or rather procured to be sent out to India, but one single writer, and that was at the time when the earl of Shelburne presided over his Majesty's councils. That, upon his word of honour, most solemnly pledged to the House, had been the only writer for whom he had ever procured a recommendation, and succeeded. Indeed, if the House would recollect a little, it was not very likely that the Administration in which he had the honour to be, should stand remarkably well with the Board of Directors, as it was well known what their intentions were at the time, with a view to effect a reform of the Company. He considered it right to say thus much in consequence of the insinuation of the right hon. gentleman, and the manner in which it had been conveyed to the House.

Previous to his sitting down, he should beg leave briefly to touch upon the consistency of the right hon. gentleman, who, when hard driven to the point, and obliged, as it were, to defend his own conduct, had done that, which Heaven knew the right hon. gentleman could do at all times, with his opponents face to face, let the argument bear as much as it would against him! But what sort of a defence had the right hon. gentleman made? He had been reduced to the necessity of admitting, that he at one time entertained an opinion that Mr. Hastings, with respect to certain points, proceeded in a manner highly culpable; nay, he had added, that he was still of the same opinion, although almost in the same breath, certainly in the same speech, he had declared that he entertained a high opinion of Mr. Hastings, and praised his conduct as warmly in the latter part of his observations, as he had abused it in the former part. And what points had the right hon. gentleman chosen to select as the points in which he considered Mr. Hastings as having been highly culpable? Merely the two points of the Rohilla war, with the breach of the treaty of Poorunder, and in having introduced expensive establishments in India. Gracious Heaven! did the whole idea which the right hon.

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gentleman entertained of the culpability of Mr. Hastings amount only to this? Had the House heard nothing of Corah and Allahabad? of Cheyt Sing? of the Begums? and of all the long catalogue of crimes committed in India, to the infinite disturbance of the peace of the country, to the misery and even butchery of the natives, to the destruction of all confidence in British faith, and to the everlasting disgrace of the British name and character in Hindostan?

Mr. Fox now read the resolution immediately preceding that in which the House resolved in 1782, that Mr. Hastings and Mr. Hornby should be recalled, and appealed to every man of common sense, whether that marked and strong censure did no go immediately to Mr. Hastings and governor Hornby? It was not in language to express disgrace more strongly than to declare that the delinquents ought to receive some mark of parliamentary displeasure. Certainly these two resolutions, and the obvious construction of both, with the vote of recall passed at the India House, in which governor Hastings was permitted to resign in consequence of his long and meritorious services, was not a little strange. How was this mode of recall to be reconciled to the resolution which stigmatized Mr. Hastings, and declared it as the opinion of the House that he deserved some mark of parliamentary displeasure? Was it not a contradiction insulting to that House, and inconsistent to a shameful degree? The right hon. gentlemnn thought proper to declare that he would not have sheltered himself under a minute of the board of directors, but that had he been a director, he would have signed that minute likewise; and, therefore, the right hon. gentleman, who had himself prevailed upon the House of Commons to resolve in a grave and phlegmatic form, but in strong and energetic phrase, that governor Hastings deserved parliamentary censure, would have given that gentleman thanks for his long and meritorious services! What egregious inconsistency! For the word 'long' in the minute of recall, undoubtedly comprehended the whole of the services of Mr. Hastings, as well those before 1782, as those subsequent to that period. His right hon. friend had been censured by a worthy alderman, for his supposed remark in respect to trial by jury. The worthy magistrate had misunderstood his right hon. friend, who had not expressed any disapprobation of the general principle of trial by jury, but merely observed that the cause under consideration was of too much magnitude for the cognizance of the Court of King's-bench, and had proposed to appeal to a tribunal and a form of trial as ancient as the constitution itself, of which it was a part. Thus had his right hon. friend evinced, that the highest species of offenders might be brought to trial, without resorting to any novel experiment on the constitution, but in a manner conformable to usage, and before an ancient, legal, and constitutional tribunal. All this amounted to one powerful proof, that the new Court of Judicature, which took away the birthright of Britons, made that evidence that was not evidence before, and obliged criminals to accuse and to convict themselves, was not only a tribunal unconstitutional in its origin and its principle, and tyrannical and oppressive in its practice, but altogether needless.

Mr. *Pitt* said, that he should have contented himself with giving a silent assent to the motion, had he not heard such extraordinary language used by the right hon. gentleman who spoke last. He should however have been ashamed of his own feelings, could he have tamely suffered such insinuations to be made, without expressing some part of that indignation with which his breast was filled. What had been the charge made against his right hon. friend? A charge of inconsistency, in now bearing testimony to the merits of an individual whom, upon a former occasion, he was supposed to have considered as an object of censure. And by whom was this charge advanced? Let the House compare the charge and the party from whom it proceeded, and then judge whether he deserved censure for suffering his temper to be somewhat ruffled by so barefaced, so shameless a conduct. Yet, indeed, the right hon. gentleman had not deviated from his consistency of argument, when having first taken it for granted that his right hon. friend had during a series of years continued to vent the most injurious and violent charges, and to threaten with the severest punishment a certain individual; he inferred that he was now become a convert in his supposed opinion, and had taken upon himself, from his own recent practice, to dictate the form of words in which the recantation of his friend ought to have been made. But his right hon. friend had no need of such a tutor, nor had he committed so egregi-

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ous an absurdity as the right hon. gentleman thought proper to lay to his charge. Eager to fix this imputation upon his right hon. friend, the right hon. gentleman had gone so far as to use the most unjustifiable language, no less than a direct charge of falsehood; for which, however, finding even the most violent members of the House apparently shocked, he had apologized by saying, that he did not mean to apply the word in its generally offensive sense, yet he would still contend that his right hon. friend's attempt to prove, that those resolutions which had been read, were such a pledge of his disapprobation of Mr. Hastings's general conduct, as must stamp with inconsistency any subsequent approbation of any part. The right hon. gentleman seemed determined to represent the acquiescence which his right hon. friend had acknowledged to the principle of the vote of thanks of the directors, as an unanswerable proof of his having changed his opinion with respect to those parts of Mr. Hastings's conduct which he had formerly censured: and yet, whoever read with impartiality the vote alluded to, could not remain one moment under difficulties to discover, that in adopting the spirit and tenor of that vote, his right hon. friend could not have proceeded beyond the line of mere thanks to Mr. Hastings for some recent instances of his conduct, cautiously guarding against the most distant encomiums upon those preceding parts which were the objects of his severest and most animated reprehension.

It did not, however, in the least excite his astonishment to find that one specimen of the right hon. gentleman's idea of consistency was the position, that where one fault could be found in any person, no merit ought to be admitted. The right hon. gentleman could not, surely, feel a necessity for coming to so full an explanation of his sentiments on that head; because his conduct had already made them sufficiently public. For his own part, he should not measure his opinions by persons, but by principles; and this was true consistency; for, always to oppose and always to agree with the individual, except upon principle, was the worst of all sorts of inconsistency: it was, however, such as the right hon. gentleman need not have taken so much pains to hold up as that which he thought the proper line of conduct; for his actions were, in this case, the full test of his sentiments. In pursuance of that doctrine—to abide by principles, and not by persons, in forming an opinion of men's conduct, there could be nothing more reconcilable than the propriety of condemning the party on one set of principles, and of acquitting, nay, of applauding him on another. This his right hon. friend had done with respect to Mr. Hastings. Considering his procedure under certain parts of his administration, and when embroiling the affairs of India by unnecessary and expensive wars; exciting the distrust and animosity of the native princes against this country, by infraction of treaties, and the extermination of a whole people, no doubt but he must have highly resented and disapproved of such a conduct: but again, when he contemplated the exertions of his almost unprecedented talents in the unexpectedly great business of restoring peace and tranquillity, re-establishing a confidential intercourse with the neighbouring powers, and redeeming the credit of the Government, he would act highly inconsistent with those feelings and principles, which, upon a former occasion, excited his indignation, if he were not at once to acknowledge and to applaud the merit which had produced such good effects. He held it absolutely necessary in point of justice and right, to examine the whole of the public conduct of any servant of the people, to give him due credit for such parts as were meritorious, as well as to censure him for such as were culpable; and, for his own part, he should not hesitate one moment to declare that, however censurable some parts of Mr. Hastings's conduct might be made to appear, he must notwithstanding consider such as were praise-worthy as intitled to the warmest approbation—nay, as a sufficient ground for reward and thanks, could they be proved to predominate over what was exceptionable. The two right hon. gentlemen had contended that his right hon. friend, in moving the resolutions which were read, expressly pledged himself to institute a criminal inquiry, of which those resolutions were to stand forth as the foundation. This position he must positively deny, as the object of those resolutions was manifestly of a very different tendency, and simply went to establish the necessity of Mr. Hastings's recall, not on account of mal-administration; but because, having lost the confidence of certain neighbouring princes, he would (as it was then conceived) lose the power of reducing the confused and unsettled state

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of those countries to order and regularity. Were it to be admitted, that a vote for the purpose of recalling a governor, on motives of policy, ought necessarily to be considered as a ground of a criminal prosecution, such a doctrine would draw after it the most monstrous consequences; for it must either reduce Parliament to the necessity of hesitating concerning such a measure, however urgent the occasion might prove, until after a full examination of the conduct of the governor, or it must lead to the greatest oppression, by rendering a prosecution indispensable, although no adequate inquiry might have been instituted to determine on its propriety. At all events, it was unanswerably demonstrable that, at the passing of those resolutions, they were not intended as a foundation for any criminal proceedings, because they contained in themselves the whole of the object for which they were calculated; incontrovertibly establishing the position, that it appeared necessary to introduce and maintain a confidence with the princes of India. Certain governors in India having also lost that confidence, it was advisable—What? to punish? No! but to recall those governors. Whether the conduct by which the confidence of the native princes was lost, had been occasioned by the execution of orders from home, or resulted from the imprudence of the governors themselves, was a question by no means involved in either the propriety or impropriety of the recall; because, to be the agents in a system of which the people of India disapproved, would as effectually destroy the confidence of those people as to have become the original devisers of it. Therefore, however guilty Mr. Hastings might possibly prove, the resolutions now referred to, were by no means a charge against him; because, whether innocent or guilty, his return from India was apparently necessary at the time, and those resolutions only went to point out and state how absolutely such a necessity existed.

The right hon. gentleman had dwelt on the extermination of the Rohillas with all the exaggerated and heightened colouring with which he was in general used to grace his argument; there was no person who had heard him, but would have imagined that this event had been, in fact, attended by unexampled barbarity, even not less than the massacre of all the wretched inhabitants of the country, without distinction of age, sex, or condition; and he had also represented it as a subject, on which his right hon. friend thought so highly as to make it a matter of speculation and inquiry, whether such a proceeding put in the estimate with a sum of forty lacks of rupees were justifiable or not. His right hon. friend had never entered upon such an inquiry, neither did he suggest any such doubt, having barely stated in his resolution, that the desolation of the country was not necessary towards the recovery of the money; nor had he at all gone into a consideration of the measure itself, with respect either to its justice or humanity, but simply with an eye to its efficacy towards the object which it was intended to promote. But this was not the only mark of disingenuousness from the right hon. gentleman, because he was by no means justified in having represented in such melancholy language, the extirpation of that people, since it was not, as he had appeared to insinuate, a destroying and cutting off the lives of the people, but merely the removal of them to a different place. He should not be surprised to hear himself represented, in consequence of what he was now saying, as having attempted to describe the forcing a people from their possessions and removing them to a distance, as in itself exceedingly insignificant, and, of course, not liable to the reproach of injustice and inhumanity: but he had personally experienced so much of that uncandid manner of arguing, that he could now coolly disregard and despise it. He did indeed consider such an extermination (though far short of letting loose all the horrors of fire and sword, as the right hon. gentleman had endeavoured to represent the affair of the Rohillas) in a most horribly alarming point of view, and so repugnant to every sentiment of human nature, that nothing could possibly justify it except the strongest motives of political expediency, and that, throughout, irrefragably supported by all the invincible principles of necessary justice.

The right hon. mover had thought proper to set off with an attack upon his right hon. friend for not having come forward in the present case as the prosecutor of Mr. Hastings. He had already shewn why it was not his right hon. friend's duty to adopt the measure on the idea of his having been pledged to it by the resolutions. But, perhaps, the right hon. gentleman imagined that his right hon.

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friend would have proved the most proper person to have conducted the business of the prosecution, and, for that reason, independently of the notion of his having been committed, wished him to have taken it upon himself. He must confess, that if there were any real guilt to be investigated, and any punishment to be inflicted, that his right hon. friend would indeed prove full as proper a person to take the lead, and full as likely to accomplish all the purposes of public justice, as those gentlemen into whose hands the prosecution had fallen. But as another right hon. gentleman observed, that there were occasions when the bounds and established rules of justice ought to be overleaped, and a prosecution conducted rather by violence and resentment, than by the dull forms of ordinary proceeding; perhaps, considering the present business in that point of view, the gentlemen who had taken it up, were the fittest persons to carry it through all its branches from the beginning to the end.

With respect to the breach of the treaty of Poorunder, and the seizing on the provinces of Corah and Allahabad, he must beg leave to remind the House that, subsequently to the transactions in those provinces, which took place during either 1772 or 1774, an Act of Parliament had been passed altering the whole system of East India government, and, instead of a president and council of Bengal, appointing Mr. Hastings, by name, governor-general of the whole of the settlements. It would, therefore, prove at once highly inconsistent and absurd to consider him at the present period in the light of a culprit for any measures taken previous to his nomination to that distinguished post, which in itself was the highest certificate of the approbation of Parliament. All the papers required were certainly very proper to be laid before the House, let the mode in which the prosecution should be conducted be what it might. He should, for the present, avoid giving any opinion respecting the several proposed modes of trial; but as the right hon. gentleman had appeared to determine upon impeachment, as the best calculated to answer the end proposed, he hoped that he would as early as possible make the House acquainted with the different steps which he proposed to take. He was happy to feel that he should come to the business with the most perfect impartiality; and should the right hon. gentleman bring fully home to Mr. Hastings the violent imputations of atrocious crimes, he, for his own part, far from screening, would wish to bring down upon him the most exemplary punishment.

Mr. *B. Rous* felt it requisite to offer himself in reply to that part of Mr. Burke's speech, in which he had insinuated, that as he (Mr. Rous) originally seconded the motion for the select committee, it would have proved more becoming had he brought forward the business of that day. On that occasion the right hon. gentleman would please to recollect that he not only seconded the motion for the select committee, but acted as one of its members, and when its first object was the investigation of the state and proceedings of the Supreme Judicature of Bengal. On this committee did he sit during the second session; but at length, the great object was, to his astonishment and concern, most materially departed from, and points actually foreign to its nature received the preference in discussion. During the third session his name was put, without his knowledge, on the committee, whilst he remained absent in Shropshire. Not, therefore, attending, with what propriety could the right hon. gentleman think of selecting him as the necessary person to move an impeachment against Mr. Hastings, whom he had not considered as a criminal?

Mr. *Francis* observed, that the strong impressions made upon general Clavering's mind and his own, relative to the extremely barbarous mode of prosecuting hostilities against the Rohillas, proceeded from informations given to them by a British officer, then invested with the command of the troops employed on the occasion.

Mr. *Vansittart* contended, that in general the nature of the Rohilla war was little understood, and that the extirpation of the Rohillas had never taken place. Mere chance, inattention, or error, had introduced the word 'extirpation;' and thus it stood, falsely and absurdly translated from a term, of a different meaning, in the Persic language.

Lord *North* felt it necessary to bring back to the recollection of the House that, with their consent, he, during the year 1774, assisted in nominating Mr. Hastings governor-general of Bengal; that in 1776 the directors, very properly, removed him; but that a majority of the court of proprietors overpowered their act, and once more confirmed Mr. Hastings in his go-

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vernment. It was once conceived that a certain gentleman (Mr. Laughlin Macleane) would have proved able to bring Mr. Hastings to a resignation of his government; but when the former reached Calcutta, the latter disowned him and kept his post. During no inconsiderable period, affairs prospered under the administration of Mr. Hastings. The circumstances of the Rohilla war were most imperfectly understood in England, previous to their investigation by the secret and select committees. Then, indeed, did censure alight upon the conduct of Mr. Hastings; and not only this gentleman, but even the court of directors, were deemed reprehensible for the breach of the treaty of Poorunder. Lord North added, that, for his own part, he did not then think it prudent to recall Mr. Hastings, Great Britain being on the eve of a war with France, who was likely to turn her arms against the English territories in the East Indies; but not less likely to find their progress effectually checked by military measures resulting from the plans of such a vigorous and able mind as that of Mr. Hastings. When general Clavering, col. Monson, and Mr. Francis, arrived in India, and secured a majority in council, the government became, of all others, the best conducted, yet was not of very long duration, two of the gentlemen dying. With regard to the charge of inconsistency, about which so much had been said, his right hon. friend (Mr. Dundas) must give him leave to contend, without meaning to impute consistency to him, that a manifest want of consistency appeared between the resolution which declared that Mr. Hastings had acted in a manner disgraceful to the national honour, and deserving of parliamentary displeasure, and the vote of recall, which spoke of his long and meritorious services: for the word 'long' indisputably went to the extent of comprehending all his services; and surely no absurdity could be more glaring, whilst this resolution remained unrescinded upon the Journals.

Major *Scott* rose and said:—As the right hon. mover, amidst all his declamations, has not thought proper to bring a single charge against Mr. Hastings, I shall not intrude myself long upon the indulgence of the House. It is true he has promised a great deal; but I have been accustomed to the right hon. gentleman's pledges on former occasions. He has thought proper sometimes to descend from the high and important station he fills in this country, to the rank of a common pamphleteer; and I now hold in my hand, Sir, a speech published by Mr. Dodsley, as what the right hon. gentleman said in this House on the 1st of December, 1783, before I had the honour to be a member of it. But when it appeared to the world in the shape of a pamphlet, I had an opportunity of meeting the right hon. gentleman upon equal terms. I replied to it, and I appeal to the good sense of every man who is not tinctured by party prejudices, to declare whether I have not satisfactorily refuted every charge brought against Mr. Hastings. His speech and my answer are before the public, and they have pronounced in my favour. The charges are numerous; they are the essence of all his reports; and if they had been true, Mr. Hastings deserved to have lost twenty lives, if he had had them, for the magnitude of his crimes. I will go farther, Sir; as I have already refuted what the right hon. gentleman has asserted, I am not afraid of pledging myself to refute all that he may hereafter produce in the course of this inquiry. The right hon. gentleman now proposes to proceed against Mr. Hastings; but how does he do it? He comes forward this day to move for papers, in order to found his charges upon. If the right hon. gentleman was a fair accuser, who acted from a regard to public justice, and not for private vengeance, would this be the mode of his proceeding? Year after year he has pledged himself to God, this House, and to his Country, to prove Mr. Hastings a most notorious delinquent. Last year, seven weeks before the House rose, he declared his intention of prosecuting Mr. Hastings; but it would have saved time, if he had then moved for the papers he now intends to call for; and it would have been the conduct of a manly, fair, and honourable accuser, if he had given Mr. Hastings some intimation of his mode of proceeding, by stating to the House what he has now stated. Such conduct would, indeed, have been fair, honourable, and parliamentary; but it would not have been the conduct of a man who takes the duke of Parma for his model: "Dolus an virtus quis in hoste requirit." This House, however, will not, I trust, adopt the sentiments and conduct of the right hon. gentleman. I have a confidence in the honour and justice of this House, and I am sure that they will protect a man who is universally allowed

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to have performed great and important services to his country, from unqualified abuse, and unmerited calumny. The right hon. gentleman has talked much of the labours of his committee, and the accuracy of the reports: but, Sir, I assert that the Reports of the select committee are partial and unjust; that the most unwarrantable means were used to criminate Mr. Hastings in those Reports, and that whenever any evidence appeared that served to exculpate him, it was suppressed. I do not make this charge lightly. I pledge myself to prove it; and if I do not prove it, I will consent to be called a calumniator in the face of this House. Nay, Sir, I will now state to you two curious facts. The select committee summoned a gentleman of high rank in the Company's civil service before them. I was in the committee-room, as a spectator, and was turned out very civilly by the right hon. gentleman—who then asked various questions of the person who had been summoned, but finding that his answers were not tending to the purpose the right hon. gentleman wanted, he told the committee there was no necessity to examine the gentleman they had summoned. Will the House approve of this mode of proceeding? The committee summoned an officer of high rank before them, lieut. col. Robert Stuart; the right hon. gentleman examined him, as to what he deems his strong hold, the state and condition of Oude. Col. Stuart's answer to the right hon. gentleman's first question was perfectly satisfactory, that Oude was in a ruinous state; but unfortunately the colonel attributed, in his reply to the next question, the ruin of Oude to causes that followed from measures which were not the measures of Mr. Hastings. He then examined him as to the begums and their eunuchs. Col. Stuart stated instances of their disaffection and intrigues so early as 1776. What was the consequence? I engage to prove to every man of common sense that that evidence was most material for the exculpation of Mr. Hastings, and that it contains more matter of fact than half the Reports; but it was wholly and completely suppressed. The most attentive reader of the Reports knows nothing of col. Stuart or his evidence. The House and the nation know the scandalous uses to which these unjust, and partial, and impefect Reports were applied upon a great occasion, which fortunately failed. I accuse that committee of the grossest partiality, and I am ready to prove it. Long before I had the honour of a seat in this House, I have often sat with surprise and astonishment in the gallery, while the right hon. gentleman has been describing in terms more glowing than I supposed the warmest imagination could have invented, the murders, robberies, oppressions, and cruelties practised by British subjects in India. Upon these occasions, I have been sometimes led to think that the greatest part of my life has not been passed in the fertile plains of Bengal, but in some distant quarter of the globe—so remote were the descriptions from the real state of facts. Upon this subject I shall say more when the condition of Almas Ally Cawn, with his unfortunate wives and children, and the oppressed princes and begums, shall come regularly before us. The right hon. gentleman's character was once high and reputable in this country. Why it is not so now, is perhaps owing to his intemperate persecution of a man whose merits are universally acknowledged. And I repeat it, Sir, that the most unjustifiable means have been used to depreciate his character; means that, however unworthy the dignity of a member of this House, taking up a great public subject upon great public principles, are strictly consistent with the character of a man who takes the duke of Parma for his model, and professes to attack Mr. Hastings upon the grounds that that general attacked Henry the 4th. But the right hon. gentleman has now stated that he will produce specific charges as soon as he gets the papers he means to move for. I hope there will be no delay. I promise him, that I will assist him in the production of papers as far as I can; but though I do not wish to narrow his ground, yet I hope the House will understand that his pledge was made previous to the existence of any of the papers that he now may move for, and I confide in their justice and honour not to permit any unnecessary delay. And here I hope I shall be in order, if I say I speak the sentiments of Mr. Hastings on this subject. I had the honour to be long employed for that gentleman: by his return to England, my agency has of course expired; but I entertain for him the warmest sentiments of affection and regard. My own reputation, too, is concerned in the issue of this business; but that, Sir, is of very small consequence, compared to the importance of this inquiry. I speak this for Mr. Hastings, when I say, that he most anxiously wishes for an inquiry into his

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conduct, the most rigid that this House can adopt; that he wishes it to be brought down to the very day of his departure from Bengal, and to rise or fall in the opinion of this House and this country by the result of this inquiry. But while he expresses his solicitude for an inquiry, he throws himself with confidence upon the honour and justice of this House; and he trusts they will not suffer his character to be the sport of calumny for three years to come, as it has been for three years past. He trusts the House will protect him from that general unqualified abuse to which he has been so long subject, and that the right hon. gentleman will be directed to bring specific charges to which plain and direct refutations can be given.

And now, Sir, I beg to say a few words in reply to what fell from the noble lord relative to the Rohilla war, the sale of Corah and Allahabad, and the stoppage of the King's tribute. The Rohilla war was not the war of Mr. Hastings. It was founded on measures which were adopted before Mr. Hastings arrived in Bengal, and on measures which he disapproved. I was a lieutenant in Bengal, and upon the service which produced the Rohilla war. I shall state my facts from the Fifth Report of the secret committee. It there appears, that in consequence of a threatened invasion of the Mahrattas, a treaty was entered into between Sujah Dowlah and the Rohillas, one condition of which was, that on the expulsion of the Mahrattas from Rohilcund, by the joint forces of Sujah Dowlah and the Company, the Rohillas were to pay forty lacks of rupees to Sujah Dowlah. To this treaty general sir Robert Barker, on the part of the Company, was the guarantee. This agreement was faithfully performed on the part of the English, and Sujah Dowlah. We marched under the command of sir Robert into Rohilcund. We pursued the Mahrattas across the Ganges, forded it after them, and continued encamped on the banks of the Ganges till the rains set in, when we returned to our own provinces. The money was demanded by Sujah Dowlah, and refused. In such a light did the conduct of the Rohilla chiefs appear to sir Robert, that in three several letters now on your table he pressed the governor and council to empower him to act against them, and states the treacherous conduct of the Rohillas to be proverbial throughout Indostan. The Rohilla war was afterwards undertaken by Mr. Hastings, in consequence of this breach of treaty. The directors at first, when they heard it, allowed that it was justly undertaken, though they lamented the necessity. But afterwards this war was used as an instrument by the Government at home to effect the removal of Mr. Hastings.

There is another point I wish to set the House right in. The Rohillas were not a nation, as the right hon. gentleman (Mr. Fox) styles them. The inhabitants of the country called Rohilcund are Hindoos; they may probably be two millions in number, and they have never been disturbed in their possessions. The Rohillas invaded Rohilcund in 1742, when the Mogul empire was in its decline; and attempts were made to drive them again across the Ganges, but they succeeded in conquering and possessing the country. I believe their number did not exceed 50,000. Of these at least 25,000 are now in Rohilcund with Fyzulla Cawn, and the remainder were forced across the Ganges, which the right hon. gentleman, in glowing terms, calls the extirpation of a whole nation.—With respect to the stoppage of the King's tribute, and the sale of Corah and Allahabad, these circumstances seem as little understood as the Rohilla war. With regard to the first, Mr. Hastings found some arrear existing on his arrival in Bengal. This he withheld, and determined to pay no farther sum till he received the orders of the Company: and why? because the king had gone with the Mahrattas to Wihly, and was actually a prisoner. What did the Company do? They approved what Mr. Hastings had done, and they particularly ordered that not a rupee should be paid to the king without special orders from England. Will you blame Mr. Hastings for this? As to the sale of Corah and Allahabad, they were to remain by lord Clive's treaty in the possession of the king, for the support of his dignity. He ceded them to the Mahrattas. What was Mr. Hastings to do? either to allow the Mahrattas to possess them, or to take them himself, or to yield them to Sujah Dowlah, to whom they had formerly belonged. He did the latter, and received fifty lacks of rupees for them. The Company very highly approved the transaction. And I desire to ask, whether, amidst the various changes that have happened, sometimes this government possessing more power, and sometimes less, in the management of the

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Company's affairs, any man or set of men have ordered that the arrears of tribute should be paid to the king, or Corah and Allahabad restored to him? Certainly they have not; and it is as ridiculous as unjust to blame Mr. Hastings on these grounds.

Now, Sir, a very few words as to what fell from the noble lord relative to the resignation of Mr. Hastings. He says, that after the Company had supported Mr. Hastings, his agent, or vakeel, colonel Macleane, resigned the government of Bengal for him. Will the noble lord detail to this House the secret management that brought about this resignation? If he will, I can assure the noble lord that Mr. Hastings will be much obliged to him; for to this hour he is ignorant of it. But the proceeding is palpable. If Mr. Macleane did really possess authority to resign for Mr. Hastings, why not produce it to the directors? Was that done? No. The powers were inspected by three directors only, and one of the three declared they were no powers; but the court agreed to sanction them, and the resignation was accepted. We know the consequences; and I think now, as I always thought, that in that business Mr. Hastings and general Clavering were both used ill, and both kept in the dark. But the noble lord says, after general Clavering's death he continued Mr. Hastings; and he assigns two unanswerable reasons for so doing; first, that it was the wish of his constituents; and secondly, that Mr. Hastings possessed vigour and abilities: but I really, Sir, am a good deal surprised at a distinction the noble lord makes. I have a great respect for the noble lord, otherwise I should be inclined to animadvert upon a curious distinction that he attempts to draw between the original appointment of Mr. Hastings by name in this House in 1774, and the continuation of him three several times, when his first commission expired. It is true, the name of Mr. Hastings was not mentioned in 1779, or in 1780, when he was re-appointed each time for one year, or in 1781, when he was re-appointed for ten years: but this I say, that the noble lord appointed him at these several periods, in point of fact, as much as he originally appointed him in 1774; and he has assigned an unanswerable reason for so doing, that he possessed vigour and abilities, and was approved of by the Company. I only wish to observe, that at these periods the Rohilla war, the sale of Corah, the charges of peculation, and the Mahratta war, were known, and had been canvassed over again and again in England. And now, Sir, I shall sit down with repeating, that on the part of Mr. Hastings, I anxiously express my wishes for an inquiry; and I am confident that this House is too sensible of what is due to its dignity, its honour, and its virtue, to be influenced in the course of that inquiry by the principles of the duke of Parma.

Mr. *Burke* answered, that he never failed to preserve the utmost calmness of temper, if attacked merely by personalities; but he could not hear that the Rohillas were extirpated, and a whole people deprived of their existence, without considerable warmth and indignation. Doubtless, it was wrong; it was a weakness in him to give way to his feelings upon such a trifling occasion, and he would endeavour to amend his fault. The hon. gentleman had most certainly explained the matter of the Rohillas very curiously, and satisfactorily to the House. The Rohillas were strangers, and therefore they had no right to the country in which they lived. Undoubtedly, the English had a better right, and a clearer title; they were not strangers, but the aboriginal natives, men with swarthy complexions, children of the sun, and, from their infancy, possessors of the soil! This being the case, to be sure they did wisely to extirpate the Rohilla race, and extinguish a whole people. The hon. gentleman's declaration, that he had refuted all his charges, and that if he made twice as many he would refute them also, reminded him of the gallant Bobadil in the play, "Twenty more! Kill them! —Twenty more! Kill them too!" The champion, doubtless, was invincible, or he would not have talked so valiantly. His threat was equal to a reply once published to a sermon on the 30th of January, which was entitled, "A Reply to all the Sermons that ever have been, and to all that ever shall be preached on the 30th of January." As to his having omitted any of the evidence received by the select committee, the Report in question had not been drawn by him; but if it had, the fact might have been the same, as every committee, in drawing up their reports, enjoyed a right to exercise their own judgments, and insert or omit just as much of the evidence as they might judge proper: but if there was cause for complaint, an opportunity would offer for urging it. As to his acting upon feelings of private

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enmity, he felt no malice against any man; if any lurked in his mind, it was unknown to him, and was a vice of disposition with which nature cursed him, and which he had neither yet discovered, nor, of course, subdued and eradicated. As to his having sent out writers to India, as a right hon. gentleman asserted, what crime was there in that fact? or how did it disqualify him from calling the conduct of Mr. Hastings in question? The only misfortune was, that in truth, though he had lived so much in the world, and enjoyed so large a circle of acquaintance of all sorts and degrees, he never once had made a director, nor sent out, or procured to be sent out, a single writer to India; no, not one! The right hon. gentleman was out in his conjecture. Again, the right hon. gentleman 'knew him by his style,' and had discovered him in the dispatches of the board of directors in 1783. What a miserable judge of style must the right hon. gentleman be, when it so happened, that he never had written a line in any one dispatch of the board of directors in the whole course of his life! The right hon. gentleman held an office, the duty of which was extremely singular; his duty was to think what another man should say; for, as head of the board of control, the right hon. gentleman dictated what others signed, and thus the dispatches sent to India contained the right hon. gentleman's sentiments, with the board of directors signatures. Now, had he been concerned in writing the dispatches of the directors in 1783, he should have done little more than revise them, and perhaps have corrected their style; in fact, he should have acted as the directors clerk; and this, surely, was an office of low degree and little worth his notice.

Mr. *Dundas* declared, when he mentioned the thirty-six writers sent out in 1783, he did not entertain the most distant idea of insinuating that the right hon. gentleman had any hand in the disposal of these employments, but merely stated the fact. He did not know who had sent them out, and it was to him a matter of perfect indifference. In regard to what he had said of the right hon. gentleman's having a hand in the directors dispatches of 1783, if the fact were as the right hon. gentleman had stated it, undoubtedly he had been mistaken: the reason of stating it was, because that in reading lately upon the subject of the trade of a particular part of India, where the question was, whether it should be carried on by a monopoly, or be made an open trade, an admirably well-timed letter had come into his hand, and finding the style remarkably good, he had exclaimed to a friend near him, 'this is surely Mr. Burke's writing!' but in that conjecture he meant the right hon. gentleman no dishonour; however, he now found that he had robbed the directors of a degree of credit which was due to them, and placed it to the account of the right hon. gentleman.

The question was put and carried; as were also motions for a variety of other papers. On Mr. Burke's moving, "That there be laid before this House copies of all other correspondence during the residence of John Bristow, esq. together with the documents therewith transmitted from the province of Oude, and also the answers thereto, and of all proceedings relative to his conduct during the said residency, from the month of October, 1782,"

Mr. *Pitt* contended, that the motion went to the production of new matter, and must, if carried, stretch out the subject unnecessarily into a wider field.

Mr. *Dundas* remarked, that it behoved Mr. Burke to explain the nature of every new point, in order to illustrate which, he might think it proper to call for papers.

The Speaker now complained of illness; in consequence of which, the House adjourned.

Feb. 20. The adjourned debate being resumed,

Mr. *Burke* desired to acquaint the House, that, in order to obviate the imputation of prolixity, he would withdraw the last motion he had made on Friday, and substitute the following, "That there be laid before this House, copies or duplicates of all correspondence, minutes of the governor-general and members of the council, and instructions relative to the state and condition of the country of Oude and its dependencies, and of the reigning family thereof, together with all charges made by the late governor-general of Bengal against the resident Middleton, and the assistant resident Johnson, and the resident Bristow, as well as all correspondence, minutes of the governor-general and members of the council, and instructions which may not be comprehended in the foregoing, relative to Almas Ali Khan."

Mr. *Dundas* contended, that the Reports of the select committee were not suffi-

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ciently decisive to warrant a determination of the House to prosecute Mr. Hastings criminally; and therefore he wished to be convinced how far the right hon. gentleman would insist on calling for a number of papers, without giving any precise idea to the House, how far those papers related to the subject of criminality which he intended to bring forward.

Mr. *Burke* begged leave to remind the right hon. gentleman, that, in all criminal inquiry, the accuser, who, by becoming such, took upon himself the *onus probandi*, had a right to assume two things; of which the first was, that a supposition of guilt in a person who filled a station of consequence and honour, entitled the accuser to a hearing; and the next, that such documents, proofs, or papers, as the person accusing saw or esteemed necessary to support the charge which he undertook to bring on, ought to be free and accessible. A refusal must be attended with a double injustice. If the accuser wanted collateral or explanatory aid, he ought not to be denied it; for by its aid he could digest, explain, simplify, or methodize those facts of which he was in prior possession: or if, on the other hand, the grounds of accusation could be extenuated, if the severity of the charge could be abated, nay, annihilated, a denial of that opportunity to the accuser was an injustice to the accused. Were the hand of power to deny him such documents as he called for, he must then rest himself upon the sole conviction of having done his duty. He felt it a heavy and painful task, that the burthen should have fallen to his lot, who was connected only with acquired power, the friends he had being such as those upon whom Heaven had bestowed some of the greatest talents which nature could possess; a concurrence of circumstances had rendered that task to him inevitable, and a collection of proof made it also upon him a duty. He had heard, and he was convinced of it, that he had to encounter some of the first weight and opulence of this country; he foresaw all this, and relying upon the justice of his cause, he would persevere. The people would not, he was informed, follow at his heels; this was a question which he never asked himself, or, at least, never put in competition with the awful sense which he entertained of that duty, which he owed to the interests of humanity. "He was not to be popular; the people of England would reject him in such a pursuit." In what pursuit? In the pursuit of the cause of humanity? What! for having taken up the cause of the injured and oppressed fellow subjects of the people of England in India; for attempting to procure an atonement to Indian nations, who had been scourged by their iniquitous servants —was he to be unpopular? O! miserable public! let him then remain the object of persecution, he entreated, and practise a lesson which he had learned in his earlier infancy, and which he would remember to his latest breath, "Blessed are they who are persecuted for justice sake, for they shall have their reward;" that reward which he should endeavour to enjoy a conscious possession of. And if those people who raised monuments to their benevolence, by forming asylums and receptacles for human misery, were justly ranked for such deeds amongst the benefactors to mankind, did not the man who pulled down tyranny, eradicated cruelty, and avenged the oppressed, deserve a title to the good opinion of his fellow-creatures? The downfall of the greatest empire which this world ever saw, had been universally agreed upon to have originated in the mal-administration of its provinces. Rome never felt within herself the seeds of decline, till corruption from foreign misconduct impaired her vitals, and, as Midianus, an elegant commentator upon the orations of Cicero observed, "*prevaricatione testimonii*," by prevarication of testimony, the inroads of corruption destroyed the political frame, and then were all things at stake. But even then, a man of the first family and connexions and rank in the state, was brought to punishment. Verres, the governor of Sicily, was accused by Cicero for the mal-administration of the province committed to his care. The connexions of the accused were some of the most splendid and opulent of Rome; among these were the Hortensii, and even the Metellii. It was not a party for or against government, it was the government itself which adopted the prosecution, and no less than one hundred and fifty days were granted to the accuser to collect the materials for his accusation, and that from a province so near as Sicily is to Italy; and the justice of the Roman senate allowed not only the time for digesting the matter of the accusation, but also opened, without reserve, all the cabinets including the documents for which the accuser called. Could it now be said

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that the cause of justice was in liberal hands, if documents which the accuser demanded were to be retained? The business referred to a country in a remote situation, from whence proofs had come in abundance; and the suppression of them was no argument against the veracity of the charge. The period was not long elapsed, since a certain right hon. gentleman, the Cicero of the age (Mr. Dundas), obtained the most ample intelligence of those miseries which prevailed in the East Indies. The right hon. gentleman brought forth a Bill of pains and penalties against one of those characters whom the House considered as an object within its reach. How far he pursued the point, the world saw; and yet the difficulties he had to encounter in the pursuit of the matter in investigating his subject, were totally removed by the concurrent disposition of every party with whom documents were deposited, necessary to accomplish his views. The right hon. gentleman had a willing administration, a body of India directors disposed to his purpose; and the conclusion of the business was in the remembrance of every one. Mr. Burke added, that for his own part, he only called for what the hand of power had no excuse for detaining. If the papers for which he asked, were necessary to his purpose, the detaining them was unfair; and those who detained them must either plead design or ignorance of their purport; but whether to the purport or not, a refusal was unjustifiable; and if those who refused them were ignorant of their contents, they were guilty of neglect: yet if, after all, the desolation of a province (and that no insignificant province) under a British government, a province which extended 53,000 square miles, the internal wealth of which was, in every calculation, equal to eighteen millions sterling, at a period before it experienced those calamities which only rendered it an object fit to be abandoned; if the desolation and ruin of that province, the oppression and destruction of its nobility, were not sufficient inducements with the House to vote him the papers for which he moved, and if no other ground would be esteemed sufficient but that of specifying his charges, although he knew that he was acting inconsistently with the established orders and practice of the House to comply with such a desire, yet for the sake of removing these objections, calculated to impede the business he had undertaken, he would wave all that attachment to regularity, because it was his inclination to adhere to, and comply with the wishes of those who opposed him, in order to substantiate the truth as soon as possible.

Major *Scott* answered, that the right hon. gentleman could not evince more readiness than himself to proceed upon that ground. As to the affair of Oude, the ruin of that country, which was painted in all the eloquent and forcible language of which the right hon. gentleman was so capable, had taken a very contrary turn to what was stated in the adduced instance; he could inform the House, that the nation of Oude, so far from being ultimately in that state of wretchedness as not to be able to repay the sum of 800,000*l.* due by them to the East India Company, had, at a later period, by the prudence of Mr. Hastings, been enabled to pay that sum which it owed, notwithstanding the positive assertion that they never would be able to pay it: and such was the exertion of Mr. Hastings, in accomplishing this salutary purpose for the benefit of his employers, that he received the thanks of the Directors for his conduct.

Mr. *Pitt* declared, that the present affair was of considerable moment to the honour and dignity of the British nation; and therefore he hoped that every gentleman would readily give his assistance on the occasion. He congratulated the House on the apparent moderation of those gentlemen who stood forward on the business, and was persuaded, that the temperance which marked their proceedings, would greatly conduce to accelerate the investigation. Every paper which was material to elucidate the subject ought to be produced; but he was convinced, that the right hon. gentleman who had undertaken the accusation would not insist upon the production of papers which might tend to expose our system of Asiatic policy. Apprehending the right hon. gentleman would find it necessary to call for many papers, he hoped that he would be ready, if he thought requisite, to state his reasons for the production of the documents which he might want, and thus proceed fairly and candidly on the subject. He was neither a determined friend nor foe to Mr. Hastings; but he was resolved to support the principles of justice and equity. If a committee were appointed, he hoped that it would be decided by them, whether or not after examination, the evidence or papers produced were sufficient to crimi-

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nate the delinquent. If crimes of enormity were proved beyond a doubt, the character of that House, the reputation of the British name, the honour and dignity of the human species, called aloud for punishment. What had been advanced on one side of the House, went to a presumption that Mr. Hastings was guilty; and what had been stated on the other, operated as an exculpation. Mr. Hastings, notwithstanding assertions to the contrary, might be as innocent as the child unborn of the matter of which he was accused; but he was now under the eye and suspicion of Parliament, and his innocence or guilt must be proved by incontestable evidence. He should contend that degrees of guilt were measured by circumstances, which either extenuate or aggravate; and in a charge where the House of Commons became accusers, he thought that the old mode which introduced the fact immediately before the House deserved a preference over that just now insinuated in the present business, where the mode was to proceed by fishing for evidence.

Mr. *Fox* observed, that the method suggested by his right hon. friend seemed more in favour of the accused person than that which was stated to be the customary process; for in the latter, the House assumed to itself the power of accusing at once; but in that now offered, he saw the House trying the merits of the case like a grand jury, before it would proceed to inquiry; and if there was any deviation from the established practice, it was in favour of the supposed delinquent, who thus enjoyed a chance of acquittal, which the other mode precluded.

Mr. *Burke* begged to assure the House, that should they call upon him to specify any of the charges, he would comply; and he thought himself in possession of such a volume of evidence, as would enforce conviction before the tribunal to which he intended to refer it: such evidence as neither influence nor connexion could withstand, nor corruption awe; nay, such as would cause the justice of this country to exert itself. Amidst a multitude of other enormities, it would appear, that the country of Oude had been desolated; the ladies of the royal family plundered; the nobility stripped of their property; armed soldiers quartered on the inhabitants to extort their property, and many other crimes too deeply marked by violent barbarity, by the directions of Mr. Hastings.

The motion was agreed to.

Debate on Mr. Pitt's Motion for fortifying the Dock Yards.] Feb. 27. Mr. *Pitt* rose to submit to the most serious and deliberate attention of the House, a proposition which, in his humble opinion, it behoved them to adopt previous to their forming themselves into a committee of supply; in order that it might serve as a direction to that committee in what manner to regulate that kind of vote which naturally might be expected from them at the close of the debate. Little, indeed, was his astonishment excited, when he reflected with how prejudiced a comment great numbers of the public had chosen to describe the question for discussion; because, as much within as beyond the walls of Parliament, its real nature had been concealed by an insidious colouring; to give a lasting force to which, all arts were put in practice.

The system of fortification had been dragged forth to public view as deserving the severest censures which could be thrown on any measure of Government; and there had been attempts to excite against it, the feelings, the passions, and even the most estimable prejudices of the nation. It was represented as novel in its principle, as unconstitutional in its tendency, by laying a foundation for the increase of the standing army, and as calculated to divert into either a useless or a dangerous channel those resources which ought rather to be applied to that great foundation of our strength, of our glory, and of our characteristic superiority over the rest of the nations of Europe—our navy. Those were in themselves substantial objections, and such as, if they did really apply to the case, ought to carry with them an insuperable authority: but he was come down prepared with such arguments as he flattered himself would appear to the House sufficient to answer, and even overturn, them all; and in order that the whole scope and object of his reasoning might be the more readily and clearly understood, he would state, at the outset, the nature of his proposition, which he had so worded as to comprehend the whole of the several principles on which, in his mind, the question was to stand. He had, on a former day, suggested, that the most regular mode for debating the subject would arise in the committee of supply, when the question would be, whether to vote the whole of the annual ordnance estimates, which would amount to about 300,000*l.* or to vote only 250,000*l.*, and by such means prevent the

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application of the 50,000*l.* voted in a former session for the purpose of fortifications, from the object for which it had been intended, by obliging the Board of Ordnance to apply it to the current service of the year: and, by so doing, to put an effectual stop to the whole system. From many things, however, which had fallen from gentlemen on the other side of the House, he was induced to wish, that a different method of arguing the question should be adopted; and he accordingly devised the present mode as best calculated, in his opinion, to afford an opportunity of discussing, in their fullest extent, every principle which could possibly be involved in the proceeding, as well those in opposition to it, as those in its favour. It was also more consistent with the great importance of the subject to bring it immediately before the House, in the form of a specific resolution, recognizing a great and momentous principle, and founding on that principle an instruction to the committee, than to send it to the committee at once, as it were incidentally and collaterally. The resolution which he proposed, before he sat down, to move to the House was, "That it appears to this House, that to provide effectually for securing his Majesty's dock yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most economical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the state, intimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigour and effect, for the protection of commerce, the support of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged."

He felt it impossible to contemplate this important question without regarding it as a portion of that system which challenged, from its nature, the utmost care of all administrations whatsoever; a system, upon which rested the security and the glory of the national defence. And, in order to judge of its necessity towards that great object, he should attempt, but with much pain, to bring back the recollection of the House to the unfortunate and calamitous situation to which we were exposed in the late war, much in consequence of our want of those fortifications which it was the aim of the present question to provide. A considerable part of our fleet was confined to our ports, in order to protect our dock-yards; and thus we were obliged to do what Great Britain had never done before—to carry on a mere defensive war; a war in which, as in every other war merely defensive, we were under the necessity of wasting our resources, and impairing our strength, without any prospect of benefiting ourselves but at the loss of a great and valuable part of our possessions, and which at last was terminated by a necessary peace. Shame and affliction were brought upon us by the American war. Was the House ready to stand responsible to posterity for a repetition of such disgraces and misfortunes? Were they willing to take upon themselves the hazard of transmitting to the next generation those dangers and those consequent calamities, which they had themselves so bitterly experienced? The subject of fortifications was not now for the first time to be discussed; it had been before the House during the course of the last session, and from what passed then, together with what had been done in consequence, he thought there was very little room, compatibly with consistence of conduct, for that opposition which he apprehended was intended to be given to the present measure. The House, in the last session, had seemed well aware, that such an inquiry as was necessary towards forming a proper judgment on the subject, was by no means a proper one for it to go into. It had been, on all hands, agreed, that it was in a great measure a question of confidence, and they had, therefore, acquiesced in his proposal of sending it to the arbitration of a board of land and sea officers, to be constituted for that express purpose. That board had, of course, been appointed, and consisted of every thing that was great and respectable in the two professions; they had given the subject a higher degree of consideration and research than had ever been known on such an occasion in any other age or country. The report made by that board was in itself so direct, and so conclusive, as to the necessity of the measure, that it ought in itself completely to determine the question, should it even appear that the reasons of a collateral nature, advanced in opposition to it, were entitled to the authority which some persons seemed inclined to give them.

Concerning the questions, "whether the dock-yards could properly and effectually be defended by a naval force alone;

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by a military force alone; or by a naval and military force combined? or whether it was necessary that fortifications should be erected for their defence? and if so, what sort of fortifications were likely to be most effectual?" the board had answered, that neither a naval nor a military force, nor even both united, could afford a sufficient security for the nation to rely upon; but that the fortifications were absolutely necessary, and that, of all modes of fortification, the mode suggested by the master-general of the ordnance (the duke of Richmond) was the most eligible, as being the most adequate to the defence proposed, capable of being manned by the smallest force, requiring the least expense to erect, and particularly, as affording an increasing degree of security as they were erected; insomuch as, that, if any given portion of them were completed, and the remainder unfinished, yet even that part so completed would afford a great deal of strength. Such were the characters and abilities of the officers who composed that board, that it would naturally follow as the highest degree of inconsistency, were the House, after having referred the various branches of the detail of the inquiry to the board of officers, to re-assume that duty which they had already declined, as being out of their reach, and attempt to revise and correct the report of the board. All that the House ought to attend to was the general result of the report of that board; for it was itself incapable of investigating the subject minutely, and by detail, much less was it capable of correcting or deciding on the report of the officers. In order to diminish the credit of the report, (for the credit of the persons who framed it could not be impeached,) attempts were made to prove, that the instructions given to the board of general officers were such as confined them to the necessity of coming to one certain result, by means of *data* proposed for their consideration, which were all merely hypothetical, and afforded no latitude to them for the exercise of their own judgment. But how was it possible this could have been the case, when to the two first *data* the whole board were unanimous in giving their opinions? and their opinions on those *data* were entirely conclusive on the whole of the subject, for they went (and that unanimously) to establish the necessity of fortifications. Was it credible that a board, consisting of such men, could possibly be duped by chimerical and absurd hypotheses, so absurd and so extravagant, that he recollected the hon. general (Burgoyne) had stated them as tantamount to a convulsion of nature? Was it to be supposed that they could be so easily misled, and drawn unanimously into an opinion on a subject of such magnitude, and contrary to their own conviction? But, in fact, it was impossible to impute any such delusion in the present instance, for the answer to the first *datum* was absolutely unqualified and positive, and recognized the necessity of fortifying the dock-yards; the second enforced the same necessity, it is true, with a proviso;—but of what? the expense of their erection, and our ability to furnish a force to man them. It was not fair to argue that the whole result of the report was founded upon *data* in themselves improbable and ill-grounded, when, in truth, the principal *data* by which the several parts of the report had weight, were not the original *data* referred to the board, but such as they thought necessary to substitute and adopt, as a foundation for their ultimate opinions. This idea was in itself so absurd, that from the very words in which it had been expressed, and which he had before repeated, it appeared as if the gentlemen who had used them were in collusion with the House, and endeavouring to put their own opposition into the most ridiculous point of view. He should think it an insult to the officers concerned in the report, if he thought of saying any thing more in answer to a suggestion so much to their dishonour, as that they had been so egregiously and so palpably duped by an article so shallow, and of course so easily detected.

Some reliance had been placed, in former conversations, upon the dissent of certain members of the board, with respect to their opinion, touching particular parts of the subject. The instances of dissent, however, were not many, and they were such as he flattered himself could not stand as an insuperable objection to the general result. He felt himself rather in a disagreeable situation, at being obliged, in arguing the subject before the House, to attack the opinion and authority of any individual member of the board; but with respect to one of the two very respectable land-officers (general Burgoyne) who had in any instance dissented from the rest, his uneasiness was the less poignant, because the honourable general was on the spot to explain and

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support his own judgment; though even still he felt for the hon. general, who, he knew, would not think himself at liberty to enter so deeply into several of the more delicate parts of the question, as, perhaps, were his own justification alone concerned, he might wish to do. With respect to the other officer, (earl Percy) his feelings were more distressing, because he was obliged to canvass his opinion in his absence. Those two officers had joined with the rest of the board in their two first unanimous opinions, with respect to the necessity of fortifications towards the defence of the dock yards; but they afterwards, by a subsequent proposition, declared, that notwithstanding such necessity, yet they were useless, because we were not masters of a sufficient military force to man them. He begged the House for a moment to consider the conclusion which would follow from such premises; because if nothing but certain fortifications could possibly afford protection to our dock yards, and if we were unable to garrison those fortifications when erected, what must prove the consequence? Deplorable in the extreme. It must be, that we were unable to protect them at all. The nation, however, need not despond at the prospect thus, unintentionally, he was convinced, presented to them by the noble earl, for whose character he had the highest veneration, and whose noble disinterestedness, together with the brilliant example which he held out to the nobility of the age, in the active service of his country, and the uniform tenor of his conduct, were sufficient to add lustre even to the rank which the noble lord already filled. They need not despond at this uncomfortable prospect; for the papers laid upon the table, in consequence of the motions made by the enemies of the measure, clearly proved, that we should by no means stand in need of a greater force for the purpose of defending those fortifications, than we could easily afford to that service.

It would appear from one of those papers, that, in the year 1779, we had about 53,000 men in South Britain, who were constantly and uniformly increasing, until the year 1782, to upwards of 71,000. There was also another paper on the table that had been demanded by the gentlemen on the other side, which gave an account of different cantonments in which those troops had been stationed during that period; a paper which he could not think in any way material for the government of the present question, unless the right hon. gentleman opposite (Mr. Fox) was ready to undertake to prove, that, like all the other arrangements made during the course of the American war, the disposition of the army through England was the very best and wisest which human ingenuity could devise. It appeared, however, from this paper, that the number of troops stationed in such cantonments, as might be considered within reach of Portsmouth and Plymouth, was, in 1779, above 16,000 men, and that it had, in the year 1782, amounted, by a progressive increase, to 21,500 in each case, including that most invaluable resource of national defence, the militia. Let gentlemen judge from this state of our military force, whether it would, in case of an invasion prove difficult to furnish a sufficient garrison for the proposed works. But when it was to be considered, that our forces in Great Britain bore scarcely any proportion to those which we were obliged to distribute through our then extensive dominions, and that, from our present situation, it was not likely that any such distraction of our military power would ever again take place, it might be looked upon as able to command a force fully adequate to the maintenance of the fortifications, without in any degree derogating from the respectable defence of all our other dominions. On this part of the subject, some gentlemen had thought proper to throw into derision and ridicule the whole inquiry of the board of officers, as if they had proceeded to investigate the question of fortifications, without having any state of the probable means of supplying those fortifications with troops for their defence laid before them. But he would only desire the House to turn over the names of the land officers who sat at the board, and then to say, whether there was any foundation for such a reflection. Was the duke of Richmond—Was sir Guy Carleton—Was sir William Howe—Was lord George Lenox, who commanded at one of those places—Was earl Cornwallis, his respect for whom he should extenuate, were he to attempt to express it—Was sir David Lindsay, who commanded in another of those places—Was sir Charles Grey, who commanded in a third, and who, besides, served in the course of the war with the greatest brilliancy, in the remotest parts of the globe—Was general Roy, who, at the time, was quarter-master-

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general to the whole—Were all those gentlemen to be supposed ignorant of the general military strength of the kingdom? Or, was it to be contended, that, to enable them to form an opinion on so broad and extended a question, it was necessary that the returns of every regiment should have been laid before them? Surely gentlemen would not persist in such weak and groundless arguments!

There was, besides, in the report, another instance of disagreement in opinion: that, however, he conceived, ought not, and could not carry any very great weight; not from the person from whom the dissent came being at all deficient in authority and consideration, but from a circumstance standing on the face of the report itself. The name of an hon. officer (capt. Macbride) appeared to a dissent to the answer given by the board to the third *datum*. It was to be observed that this *datum*, together with its answer, was omitted in the report, as containing matter not safe to be made public. This consideration rendered it impossible for him, consistently with his duty, to attempt to examine it in detail, and to combat the opinion of the hon. officer upon its own ground; but yet he had a stronger argument than any other he could be master of, and that was, the opinion of the hon. officer himself, who had, six weeks before, as appeared from the minutes of the board, given, together with all the other members of the board, his opinion directly in favour of the principle which that *datum* was calculated to establish. If he was mis-stating the hon. officer, he begged to be set right; but he believed it would be evident to any gentleman that would look at the report, that he was perfectly correct.

Captain *Macbride* admitted that the statements of the right hon. gentleman were perfectly exact, but declared, that still he could not avoid embracing his former idea, that the opinion of the naval officers was fully in the teeth of the fortifications proposed at Plymouth; and for this assertion he had admiral Barrington's authority, whom he had seen and talked with upon the subject during a part of the intermediately preceding days. The fact was, that the naval officers were not permitted to have an opinion of their own manifested.

Mr. *Pitt*, resuming his speech, remarked that as he had courted the corrections of others to fall upon the accidental, certainly not voluntary, errors in his statement, so it could not follow that he experienced the least concern, but rather pleasure, when he discovered the hon. gentleman corroborating, instead of refuting, his representation. The hon. officer, then, had formerly united with the rest of the board in an unanimous vote upon the subject of the third *datum*, and had afterwards, after an interval of six weeks, retracted that vote, and entered another on the minutes of the board, diametrically opposite to it. Thus each opinion had the authority of the name of the hon. officer; and if any dilemma arose in forming a judgment between them both, it became easily solved by referring to the report itself, in which it would appear, that, though each opinion was equally supported by the hon. officer, yet the casting voice between his first and second opinion was given by the whole board, by which he acted in favour of his former opinion, and of course there could be no room for the House to hesitate a moment which of the two they ought to adopt.

There was another circumstance which he thought it necessary to state under the head of the dissents from the general purport of the report, that he might answer it in order; although it did not arise out of the report itself, but had been taken up in that House for the first time by the hon. officer, when he stated that the fortifications proposed to be erected on the lands adjacent to Whitesand-bay, were directly in the teeth of the opinion of all the sea-officers. He begged the House to attend particularly to the two distinct branches into which that part of the question was divided; one of a naval, the other of a military consideration. That which more immediately demanded the judgment of the naval service was the practicability of the enemy effecting a landing at all upon the coast, together with the various circumstances of tides, winds, soundings, currents, and anchorage, which might be necessary, and the probability there was of all those concurring, so as to enable an enemy to land at all, and to remain long enough off the coast to cover and complete their debarkation: the other subject was for the discussion of the land officers singly, and had for its object the most effectual method of so fortifying the coast, as to prevent the enemy, should they effect a landing, from penetrating the country. The opinion of the sea-officers was, that, in certain circumstances, it was possible for an enemy to land; and he

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could only account for the objection of the hon. officer against fortifying a coast on which an enemy might (as it was admitted) land, by that gallant spirit and bravery which would at all times induce him to turn his thoughts more to the animating and brilliant prospect of attacking his enemy, than the less glorious, but still prudent, duty of providing for his own defence. In furnishing, however, the part of the country in question with forts, they ought not to confine themselves solely to the idea of an enemy's landing in Whitesand-bay. They should consider whether it would be practicable for him to land in any place to the west of Plymouth; for if he could do so, then were these forts absolutely necessary for the defence of that town and its dock-yards; they were the very posts which an enemy would most eagerly endeavour to occupy, because from them they would be able to bombard the dock-yards. All persons who knew our coasts, and such as, to their own honour, and the glory of their country, were acquainted with the coasts of our enemies, knew also that it was absurd to think of fortifying every part of them which could afford a landing-place for the purpose of an invasion. The consideration was, where would an invasion prove most detrimental; and, upon that spot, to erect such fortifications, that not only an invasion by sea should not become practicable, but that, if an enemy should have been able to land in another place, he might not also be able successfully to attack them there. He hoped to hear no more of Whitesand-bay; for it was not the defence of that bay, it was the defence of the dock-yards of Plymouth, which was intended; it was not a landing there alone which was to be prevented; it was a landing on any part of the coast which was to be defeated, at least as far as it had an attack on Plymouth for its object; and if Whitesand-bay were surrounded by a wall of adamant, still Plymouth could not continue safe unless those grounds were fortified. He hoped, and believed, that he had completely done way the whole force of the dissents of the several officers to whom he had alluded; and now he should attempt to answer objections of another nature.

It had been thrown out, and much stress seemed to be laid upon the position, that the whole system of fortification was new and unprecedented in this country; but this idea he was prepared to combat in the most direct and positive manner. The system of fortification did always make a part of the general defence of England, and he would prove it by the most incontestable records of history. Even during the reign of king Henry the 8th, there was a provision made, by statute, for fortifying certain parts of the coasts. The statute he would not take upon himself to read, because the terms in which it was couched were become obsolete, and almost unintelligible. The same policy was observed by queen Elizabeth, and formed a considerable part of the defence provided by that great and glorious princess, against the unexpected attack of the armada. In the less prosperous reigns of the Stuart princes, the same system was occasionally continued, and again adopted by our illustrious deliverer, William the 3rd. During the reign of Queen Anne, at the time when the victories of the British arms were forming an æra in the history of Europe, at which England looked back with pride, and other nations with amazement, did our ancestors think it incompatible with their fame, with their liberty, or their constitution, to fortify the most vulnerable parts of their coasts, as it was now proposed to do?—On the contrary, there was a resolution of the Commons, not even at the desire of the Crown, laying down the necessity of fortifying the dock-yards against any possible invasion, and those resolutions were founded upon estimates or plans which had been made under the reign of king William. The estimates of those fortifications amounted to a sum, which, considering the difference between those days and the expensive times in which it was our misfortune to live, gave no great room for a charge of prodigality against those who had digested the present plan. The money then voted was 500,000*l.* which, when compared with the value of money at this day, would not appear as a very trifling sum. To come down to a later period, a period to which it might be supposed he was somewhat partial—the last war——the last war! would to heaven we could call it the last war!—not indeed the last war, but the last on which Britons could reflect without either a sigh or a blush—the war of contrast with the last! the war in which the name of Britain was exalted above the highest and the proudest of nations, by successes as stupendous, and conquests as glorious, as our late miscarriages and defeats had been calamitous and disgraceful!—What was the policy of

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the administration of that day? That it was exactly similar with what was now recommended, he would prove by one or two short extracts from the statute book. The first was from an Act of 22d Geo. 2, for providing fortifications for the dock-yards: and the second was for a fortification for some more insignificant place (Milford, as well as he could remember), in which the very grounds of the policy now inculcated were recognized; that, by procuring adequate means for domestic defence, the nation would become more at liberty to send its fleets abroad, either for the purpose of defending her foreign settlements, or carrying the operations of offensive hostility into the centre of the enemy's possessions.

Thus it might be seen, that in the very best days of this country, the system of fortification was uniformly practised and encouraged; but even in a much later period, and during the administration of the right hon. gentleman opposite (Mr. Fox), the very identical plan of fortification then under discussion had been considered, and an estimate for carrying it into execution was presented to the House. He supposed that the right hon. gentleman, who contended for the propriety of ministers being always ready to make up their minds on every subject which related to the force of the country, and who had himself, it appeared, made up his mind on the subject, was now ready to give his reasons for that change of opinion, which, it was to be feared, he intended on the present occasion to avow. For his own part, notwithstanding the great abilities and uncommon versatility of talents, which the right hon. gentleman was well known to possess, he apprehended that he would not be able to reconcile, to any principles of consistency, his practice of making up his mind when in administration, and unmaking it with so much facility when out of office. He should, however, expect to hear that particular circumstance fully explained, as far as so extraordinary a change of opinion in such a peculiar variety of circumstances could admit of explanation.

As to the necessity suggested as likely to ensue from this measure of augmenting the standing army, nothing could prove more void of foundation. It had been unanimously reported by the board of officers, that the plan of fortification proposed was the best calculated for the defence of the dock-yards of any other which could be devised, and that it was such as was capable of defence by the smallest number of troops. Would any person, then, contend that a smaller number of troops, independent of fortifications, were able to defend a place better than a large body, assisted with the best possible fortifications? Such an idea was too absurd to be argued against; and yet, in fact, it was the only idea on which that topic of opposition could possibly be maintained. Should we, in case of an invasion, trust solely to our standing army, then there would be a necessity of augmenting, to a most enormous degree, that army on which the whole safety of the kingdom was to rest. Was this the way to vindicate and secure our liberties? If we did not keep up such an army, then we should be reduced to the necessity of recurring to foreign assistance; perhaps to the protection of mercenaries, bribed by our money, and who, when we had no longer occasion for their service, would prove as ready to turn their arms against ourselves. Was it less desirable for us to be defended by the walls of Portsmouth and Plymouth, garrisoned by our own militia, than to purchase the protection of Hessian hirelings? The plan was objected to upon the ground of the expense which would attend it, and of the probability that we could not expect to be free from a war until it should be completed, and that we should derive no advantage from them at the time of the greatest necessity. As to the latter of these objections, he requested the House to recollect the words of the report upon the table, from which they would learn that the plan of fortification proposed to be adopted, was one calculated, even in an unfinished and imperfect state, to afford great means of defence; and that every part of them, though wanting all other assistance, and standing singly by itself, would prove highly useful, and of course desirable. Thus, every part would be answerable to the great object: and so far from rendering it necessary for the House to hold itself committed to a constant and periodical expense until the whole was completed, the fact would be, that every year the necessity of adding to the fortifications must diminish, because every year the dock-yards would receive additional strength.

With respect to the expense attending the building of the works, he flattered himself that his sentiments and ideas on the subject of the finances of this country,

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was not a backward feature in his political character. He hoped that he had not shewn himself remiss in any endeavours which could possibly tend to raise the revenue from that deplorable state to which it was reduced by the melancholy process of the late war. It was too well known how much his feelings were engaged, not only by the duty of his station, and by his attachment to his country, but by considerations of his own personal reputation, which was deeply committed in the question, to exert every nerve, to arm all his vigilance, and to concentre all his efforts towards that great object, by which alone we should have a prospect, by relieving their burthens, of transmitting to our posterity that ease and comfort which ourselves felt the want of—an efficient sinking fund of the national debt; to accomplish which was the first wish of his heart, and this, as well by every means of prudent, well-regulated economy, as by a rigid collection of the revenue. But was he to be seduced by the plausible and popular name of economy—he would not call it only plausible and popular, he would rather say, the sacred name of economy—to forego the reality, and for the sake of adding a few hundred thousands more to the sinking fund, perhaps render for ever abortive the sinking fund itself? Every saving which could, consistently with the national safety, be made, he would pledge himself to make; but he would never consent to starve the public service, and to withhold those supplies without which the nation must be endangered.

The relieving by every such means as his duty would suffer him to adopt, the burthens of the people, and removing that load of debt by which she was oppressed, was the grand and ultimate end of his desire; it was the pedestal to which he would wish to raise a column which should support whatever pretensions he might have to reputation and popularity; but let it be well considered, how far the objects of necessary defence, and of public economy, could be reconciled, and let the bounds that divide them not be transgressed. Let it be well weighed, what a certain security for a lasting peace there was in a defensible and powerful situation, and how likely weakness and improvidence were to be the forerunners of war. But should a war happen, where was economy? What was become of the sinking fund? The very expenses of one year's loan would amount to more than the whole of those fortifications which might have secured us peace, because they would have diminished, or effectually destroyed, all temptation or hope of success in an attack. In this point of view, as the means of preventing a war, he should conceive, that the first million which would be applied as the foundation for the sinking fund, might not be better applied than a million of money for the fortifications; not that a million would prove necessary, but he chose to state it as high as any other gentleman, let his talents of exaggeration be what they might, could possibly carry it.

There was also another part of the subject which ought to have the greatest weight of all, and this was, that these fortifications being calculated to afford complete security to the dock-yards, would enable our whole fleet to go on remote services, and carry on the operations of war at a distance, without endangering the materials and seeds of future navies from being liable to destruction by the invasion of an enemy. It had been insinuated, that the second *datum* in his Majesty's instructions had been used to draw forth an acquiescence from the board of officers, upon an unreasonable supposition of the fleet being absent for an improbable time. He believed there were few gentlemen could forget, that at no very distant period, even since he had the honour of a place in his Majesty's councils, the fleet had been absent for a time nearly equal to that supposed in the *datum*, upon a service which this country could not have dispensed with, without sacrificing the most brilliant success which attended us in the late war;—a success of such lustre as to spread an irradiation over the more gloomy scenes in which we had been involved. Had we been then in fear of an attack upon our coasts, which, from reasons not proper to be mentioned, we happened not to be, Gibraltar, and the renown of defending it, must have been for ever lost. But it was not only by foreign expeditions that we might lose the aid of our fleet in case of an invasion; it might so happen, that our fleet, though in the very Channel, might be prevented by contrary winds, tides, or other contingencies, from arriving to the assistance and relief of the dock-yards What would then prove the situation of this country? The enemy might, in one day, in one hour, do an irraparable injury, and give a mortal stab to the very vital principle of our

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national vigour; might effectually destroy the seeds of that navy from which alone we had to hope for commerce, for safety, and for reputation. On the whole, he really thought the present rather a question to be considered as connected with our naval establishment, than that of either our army or ordnance, as it was calculated to give liberty to the fleet which had hitherto been confined to our coasts; and as it were to the defence of those dock-yards, without the security of which, the very existence of the navy, or even of the nation, must be no more. Were it to be asked, why the sum required for these fortifications had not been demanded for strengthening the navy, he should answer fairly, that he thought the same sum laid out upon the fleet, would by no means afford a proportional strength to what would be derived from the fortifications. The money which would prove sufficient to accomplish those works, would not build as many ships as would answer for the defence of those invaluable harbours of Portsmouth and Plymouth. There was, besides, a certain degree beyond which the navy of this country could not go; there was a certain number of ships beyond which she could neither build nor man any more; what that line was, he could not, nor would it be proper for him to point out: yet necessarily such a line must exist in the nature of things, but there never could be any line drawn to limit the security which we ought to provide for our dock-yards. What could be the reason that gentlemen on the other side of the House seemed so anxious to impede this measure? Were they bold enough to stake themselves upon a question of such awful magnitude, and to stand forward with such decided vehemence as the opponents of a measure, which Parliament, thinking itself incompetent to scrutinize, had referred to the highest professional authority in the army, and in the navy; which had received the sanction of that authority; and which the ministers of the Crown, who could have no personal feelings on the subject, except such as from considerations of their own ease and advantage were adverse from it, and who could share no temptations towards it, but a strong sense of its indispensable necessity, declared themselves so much interested about, as to be unable to rest upon their pillows so long as it remained in suspense? He called upon the House to beware how they suffered themselves to be lightly drawn into a line of conduct which might involve their posterity, nay, themselves, in the heaviest calamities.

He flattered himself that more arguments were scarcely necessary to prove, that the proposed system of fortifying the dock-yards was absolutely necessary for the preservation and security of the sources of our marine in case of a future war; and that the system in question had received the unanimous sanction of a board of land and sea officers, consisting of the most respectable and experienced characters in the two services; and that they had in their report pronounced the plan the best adapted to its purpose of any which could be devised, grounded on the most economical principles, and requiring the smallest number of troops. Viewing it properly, it was a naval question, and as such it ought to be considered; because, while it gave security to the vital springs and sources of our marine, so far from rendering an increase of the military force of the kingdom necessary, as some gentlemen, from a laudable jealousy of the standing army, and from a natural and zealous regard for the constitution, had been led to imagine, it would actually tend to enable Government to keep up a less military establishment than otherwise must be maintained. Thus circumstanced, he should rest all his hopes of support solely upon the power of his arguments to prove what he had asserted in that respect. Having read the words of two preliminary resolutions, which he remarked would prove declaratory of the opinion of the House upon the subject, (should they think fit to adopt them) and which, by being voted previous to their going into the committee of supply, would lay a foundation for their future proceedings, and rest their votes in the committee upon a perspicuous and permanent footing, Mr. Pitt concluded with moving his first resolution as follows:

"That it appears to this House, that to provide effectually for securing his Majesty's dock-yards at Portsmouth and Plymouth, by a permanent system of fortification, founded on the most economical principles, and requiring the smallest number of troops possible to answer the purpose of such security, is an essential object for the safety of the state, ultimately connected with the general defence of the kingdom, and necessary for enabling the fleet to act with full vigour and effect, for the protection of commerce, the support

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of our distant possessions, and the prosecution of offensive operations in any war in which the nation may hereafter be engaged."

Mr. *Bastard* observed, that feeling how exceedingly it behoved him to oppose, as much as possible, the prosecution of a system of which the accomplishment would menace the irretrievable destruction of all the leading interests of his country, he should beg leave to make his comments upon the brilliant, but too groundless, arguments of the right hon. gentleman. Most cordially was he inclined to give him all his share of credit for having, during the course of the preceding session, consented that the matter should be referred to a board of inquiry, constituted of naval and land officers of the first rank and character; yet he must reprobate the manner in which that board had been managed, and lament, that three of the most skilful and experienced of its nominated members (lord Townshend, general Conway, and lord Amherst,) should have been excluded from taking their seats at it, in consequence of a paltry manœuvre played off by the noble duke at the head of the ordnance, who had procured himself to be appointed president of the board. Where was the boasted fairness and impartiality of the reference, when such a manœuvre was practised; as it is well known that officers of long standing could not sit at the board at which a junior officer presided? He had never heard but of one engineer who was fond of fortifications, and founded them upon the same principles as those to which the noble duke discovered the most glaring partiality, the *data* which met his eye so frequently in the printed extracts from the Report; the engineer to whom he alluded was no less than the renowned Don Quixote de la Mancha. Don Quixote always called for *data*, and proceeded to build his fortifications upon those grounds; the noble duke's fortifications appeared totally as Quixotic. He desired to remind the House, that the nation had always been jealous of every thing which looked like an increase of the standing army, and asked whether one great argument in defence of the militia, and what greatly recommended the institution to Englishmen, had not been the circumstance of their mixing so much with the people in their houses, and whether that did not tend to preserve to them their character of citizens rather than to hold them out as soldiers? The militia had been called the school of the army; if that description was true, would it not be more justified by shutting them up in fortresses, and keeping them separate from their fellow-subjects? Might not these strong holds be termed seminaries for soldiers, and universities for Prætorian bands? And was it not likely that the militia would come out of garrison with minds rather prepared for joining the regular army than inclined to return to mix with their countrymen employed in civil avocations? How unconstitutional was the tendency of the proposed system: it was so much the object of odium and detestation in the county which he had the honour to represent, that if the fortifications which were intended to be raised there should be erected, the people on whom it appeared that a reliance was placed for assistance in manning them, in case of necessity, would refuse to lend the least assistance whatever. He felt but little difficulty in discovering, that the great object was to relinquish that method of defence which, from the very prudent choice and sanction of our ancestors, had risen into weight and full celebrity. He, for one, could not repress his indignation at the idea of tearing the ensign of the British glory from the mast head, and fixing it to a standard on the ramparts of a military garrison: and he must assure the right hon. gentleman, that the sense of the country was decidedly against the system, as he would see from the description of gentlemen who would take a share in the opposition of the day. Neither those to whom he alluded, nor himself, acted either from party motives, or with a view to factious purposes. They stood up the advocates of their country, in a moment which seemed to threaten it with serious danger, from the adoption of a system as absurd as impolitic; but they stood up like independent men, unconnected with any party, and as ready to support the minister when he appeared in the right, as determined firmly to oppose him when they were satisfied that he was in the wrong. In conclusion, he moved to leave out from the word 'House,' to the end of the question, in order to insert, 'that fortifications on so extensive a plan as proposed by the board are inexpedient.'

Sir *William Lemon* said, that he could not avoid admiring in his hon. friend the public spirit evinced in his having manfully stood up, from the first mention of it, the uniform opposer of a system, which,

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as it tended to introduce a departure from the old mode of defending the island by a naval force, could not but give alarm to every well-wisher to his country. How ill-timed was it to recommend a plan of fortifications to the House, when it had not been ascertained whether that constitutional force, the militia, was to be called out annually or not! This, added to the appearance of a design of abandoning the cultivation of our marine, and relying rather on the army and military erections for security, must create much jealousy in that House as well as without doors, in consequence of the unconstitutional tendency of such a conduct. Were the proposed system of fortification adopted, it should be considered as the fatal æra from whence the decline and ruin of our navy might be dated. He, indeed, meant not to impute any bad design to the present Administration in recommending the plan proposed, nor to hint a suspicion of the friendly inclination of the Prince on the throne to the liberties of his people; but long experience had proved, that when every thing wore the appearance of security, and the country had a thorough confidence in the King and his servants, more than ordinary caution ought to be exercised by the people, whom it then became less than ever to be ready to allow a system to be adopted, that in the hands of a weak prince and wicked ministers might grow into a formidable engine of prerogative, and be turned against their freedom and the constitution. Admonishing the minister against pursuing steps which would lead him astray from the favour, and strip him of the confidence of the people, sir William concluded with giving his hearty assent to the amendment.

Mr. *Walwyn* begged leave to recommend it to the right hon. gentleman to drop the idea of persisting in a plan against which the public in general were extremely averse. He declared that report confidently said that the right hon. gentleman's mind was not with the system, and that he was by no means a sincere friend to it. [Mr. Pitt here complaining of the injustice of such an imputation, declared that the report was most grossly false and wholly groundless.] Mr. Walwyn said that he spoke of it merely as a report, and he had hoped that the report was true. "To be or not to be" a powerful maritime state, appeared to him "the question." Till the right hon. gentleman could urge some argument which amounted to a solution of the problem which he had started, viz. that the proposed system of fortification, which must necessarily require a number of men to garrison, would nevertheless be a means of diminishing the quantum of the standing army requisite for the defence of the kingdom, he should think it his duty to oppose the system, as directly militating against the ancient mode of insular defence, as prejudicial to the increase of our navy, and as dangerous to the constitution.

General *Burgoyne* declared, that he felt himself extremely embarrassed between what he ought to divulge, and what he knew; between the *data* which were in the extracts from the report, and those that were not there; but he would endeavour to explain his sentiments on the subject. At the board of inquiry when the members of it assembled, the noble Duke gave them his plan with the *data* to consider, and called for their plans in return. What individual, even if he had prepared a plan, would have chosen to commit himself with it in that manner, against a plan produced by the President of the Board, after its having been under his consideration for two years? They were therefore reduced to the necessity of giving their replies to the *data* such as they were, leaving the probability of them to rest on their proposer. Many of these *data* held out suppositions most extravagant; but they were put so artfully, that it was impossible not to answer them in the affirmative. However deniable the general conclusions might be, he deemed the whole a list of improbable possibilities; and therefore considered the idea of defending the kingdom by fortifications as inconsonant to the genius of our constitution, and irreconcilable with the security of the liberties of the people. He should have suggested various other modes of defence of the kingdom, had he been called upon, but all of them maritime. The kingdom might have been defended by sending a fleet off Brest, by sending a fleet to the mouth of the Mediterranean to prevent a junction between the fleets of France and Spain, and by other destinations of our fleets, as the relative situation of other powers might make it proper. He stated the number of troops, including cavalry, which had been in Plymouth, and Scilly, and in Portsmouth, during the respective years of the late war, contending that there had never

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been above 8,000 men, including three or four regiments of cavalry in Plymouth. any one of those years. He compared it with the 22,000 men which would be wanted to man the new fortifications (12,000 at Plymouth, and 10,000 at Portsmouth), and asked why had the inquiry of the board of officers been confined to those two dock-yards? Were we vulnerable no where else, or in no other dock-yards? Was not Chatham dock-yard worth looking at? That dock-yard, and the pass there, were, he maintained, of as much consequence as either, if not both the two others. He concluded with declaring, he should give his vote for the amendment.

Lord *Hood* professed himself a friend to the plan of fortifying the dock-yards. No argument could be derived from what this country had done formerly with her navy. The navy of France was very formidable, and so was that of other powers; regard, therefore, must be had to the present relative situation of the marine of other countries compared with our own marine; and it was from their powerfulness at sea, that it became a wise and prudent measure to fortify our dock-yards, by which means the whole of our navy would be free to be sent out upon any one or more services in case of war. In the case of our having a large convoy of merchant ships coming home from the East or West Indies, and knowing of the enemy's having sent out a fleet to meet and intercept them, in order to save the commerce of the country from a fatal blow, our business would be, instantly to send as large a fleet as we could spare to seek the enemy. This we could not do, while our dock-yards rested solely for defence on our navy; because, if we sent the whole of our fleet, France might have a sufficient body of men on her coasts, all ready for embarkation, and those she might send across the water in frigates, and such other vessels as were unemployed by her, and fit for the purpose. They might come here, effect the business, do us an irreparable mischief, and get away before our fleet returned; or even they might do the mischief, and instantly surrender prisoners of war. For his part, he was decidedly of opinion that it was proper to adopt the proposed system, and that France and other maritime powers of Europe had of late much increased their naval force; and that Great Britain could not be too cautious in securing the source of our marine from surprise and distress.

Captain *Macbride* said, that much absurdity marked the conduct of the noble Duke, respecting the manner of endeavouring to enforce conviction to his own liking on the board of naval officers at Plymouth. The noble duke had played off a piece of mummery there, which disgraced him in the eyes of the whole country. He sent a parcel of boys in a boat who were to try to effect a landing, whilst others on shore were to endeavour to repel them. They had fastened a capstern on shore, and by that means, and the help of a rope, drew themselves up the cliff. Thus he declared that he would teach a milliner's apprentice to draw a large gun, by the help of a coach and horses, up to the cross of St. Paul's. The noble duke had used great art with the naval officers to persuade them to be of his opinion. All the places which they had examined were perfectly secure from any danger of an enemy landing at any of them. He knew a place, however, where an enemy might land. The right hon. gentleman (Mr. Pitt) need not be alarmed, for he was not going to tell where the place was. He begged leave to urge the expediency of taking care of the navy, and not cheating the public of their money, as was the case at the end of the war before last, when ships of a smaller size than usual were built, which were good for nothing. He must beg leave to express his surprise at the illiberal imputation which had been thrown upon the spirit of the inhabitants of the country at large, and of his constituents in particular. His hon. friend (Mr. Bastard), on the appearance of the enemy, had marched in at the head of 2,000 men from the country, when there were only at the time 500 stand of arms in store; with those they took charge of the prisoners, and conducted them to Exeter. And the gentlemen whom he had the honour of representing, had, with a laudable zeal and spirit, formed themselves into two companies, clothed and arrayed themselves at their own expense, and continued to do duty during the remainder of the last war. To that same independent spirit, when Government presumed to dictate to them in the choice of representation, he was indebted for the honour of a seat in that House. He should now proceed upon the vindication of the conduct of himself and of the other sea officers of the Board, not without complaining that the grounds of his dissent were not laid before the

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House; especially as he had declared, that no part of the objections which he had made against the fortifications, or of the papers for which he had moved, tended to shew the weakness, but, on the contrary, the strength of the coast and country, he craved permission to read extracts from his minutes of the papers he had moved for. Having done this, he observed, that he had corrected gross mistakes in the report of the shape of the country, part of which was his own estate. Having likewise read the duke of Richmond's order to lieut. Hockings, engineer, which was given without the knowledge of the sea officers, he remarked, that it appeared to the Board, that lieut. Hockings was clandestinely employed by the duke to invalidate the opinion of the sea officers; when it was found to produce the contrary effect, lieut. Hockings, who before was thought well qualified for such an employment, became treated as ignorant and presumptuous, and as a person unknown, until a respectable member of the Board, in the engineer department, said, that he had been bred up under him at Gibraltar, and gave an honourable testimony of his character and abilities. Thus, how ridiculous was the conduct of the noble duke, who, by every art and finesse in his power, had endeavoured to warp the naval opinions in favour of his system; failing in that, he had recourse to a piece of mummery, which exposed him to the ridicule of the whole country. Captain Macbride observed, that he had admiral Barrington's authority to say he agreed in opinion with him, and was even ready to come and declare it at the bar of the House. Indeed, the whole conduct of the noble duke, who more properly guided than presided, was without precedent, and it was the first Board of officers in Council, where question and answer came from the president and the senior members. In every other case the junior officer gave his opinion first: in this case it was reversed, for very obvious reasons. In conclusion, the captain professed himself averse to all unnecessary fortifications whatsoever.

The Hon. *G. Berkeley* observed, that so much had been spoken upon the subject, and so many abler persons had delivered their opinions, that he should only trouble the House with recapitulating what he had asserted previous to the appointment of the board of officers; but he could not help taking notice of what had fallen from a right hon. gentleman (Mr. Fox) on a former day, which had been now re-echoed, viz. that the plan ascribed to a noble Duke was unconstitutional. He wished that when he chose to make a panegyric upon himself and his noble relation, that he had stated to the House, in that masterly language which made him the admiration of mankind, what he knew and felt; that the noble duke would be the last man in England to patronize, and would die sooner than propose any plan which could militate against the constitution of this country. Making these remarks, he must beg leave to be understood, that, like the right hon. gentleman, no ties of blood, nor any other consideration, could induce him to give his vote for any thing which he did not think perfectly right. As to his own idea, of their being unconstitutional, he could not conceive they were more so than any others which were already begun or finished in England; and to render them such, recourse must be had to the hon. general's (Burgoyne) catalogue of improbable possibilities. Concerning the necessity of some fortifications, especially at Plymouth, to which he meant to confine himself, he was enabled to speak with as much, and it would not be arrogance to say, more, certainty than any man in that House; and if they did not choose to give him credit for what he asserted, they might call the general officers commanding there, and ask them their opinion of fortifications at the critical moment when the French fleet were off Plymouth, of which he was a spectator, and he hoped not an idle one; and would be bound to say, that there was not a soul there but wished for fortifications. He must beg leave to assert, that the enemy could have landed, and he would not go into suppositions as to winds and weather, but declare, that it could have been effected at any hour of the day or night of the time which the enemy remained there, and at the very spot which these forts were meant to defend. For his own part, he thought that the most strenuous opposers of the plan would not insure us a permanent peace, nor would they insure us, in case of a war, the same honour and abilities at the head of the Admiralty which the noble lord now there, or his predecessors, possessed; he did not know, but if a war happened, we might be cursed with the same mismanagement in that department which we experienced during the war, when our fleets were sent skulking away, and our coasts, our con-

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voys, and our docks, left totally unprotected. Indeed, when the hon. general had moved for papers, he thought it was for the purpose of investigating and probing into the errors of the last war, and to make the noble lord (North), that vigilant minister, account for the losses which we had sustained in America, and those which we were near suffering at home. This circumstance must operate as a reason for his supporting the plan; but another and a stronger was, that as a sailor and a well-wisher to the service, in which he would give way to no man, he felt an anxiety to see the fleet properly employed in war in annoying the enemy; for he only agreed with the best writers upon the subject when he said, that England in a war with France ought always to act on the offensive; as, in acting otherwise, she gave up all her natural advantages and inspirited the foe. Granting this position, it followed that the proposed fortifications would be of essential use, as, instead of cramping the operations of the fleet, it must assist them, because the commander-in-chief would act with more vigour against the enemy when he knew our coasts and our dock-yards to be safe and protected. In such a plan of war as this, he thought that his hon. friend (capt. Macbride) would join him, as he would have an opportunity to display that spirit of enterprize in *la petite guerre*, for which he was so distinguished; yet he found, that instead of assisting, he had opened his lower tier against it: but he knew that he depended upon his constituents for defending that part of the coast; yet doubtless he would have acted more for the safety of them, if he had voted a breast-work for them to fire over, as he was sure that they would have felt more comfortable behind that, and taken better aim, than if opposed face to face with a French grenadier.

With respect to the language of the hon. member for Devon, he was astonished to hear him assert, as the language of his constituents, that they would not defend the country, or give their assistance in case of an attack, if this question were carried. Surely the blessings of peace and a few years cannot have altered their ideas so much; for during the last war, he remembered that very gentleman heading some hundreds at Plymouth; and so far from thinking the fortifications wrong, they were employed in repairing and strengthening the wretched ones then upon the spot. He would now intreat the House to take notice, that so much had been said of our weakness, and our true situation had been laid so open, that if these, or some works, were not erected, and a war to ensue, he trembled for the consequences; but those gentlemen who had opposed them must answer for the event. He wished that they might not find an old, but homely, proverb verified, "That they had been penny wise and pound foolish."

Captain *Bowyer*, pronouncing himself a friend to the original motion, said, that justice and a sense of his duty to his country, obliged him at the same time to declare, that a greater degree of attention ought to be paid to the navy, when the fortifications were going on, than ever, and that both ought to go hand in hand together. The neglect of the navy during the last peace was highly reprehensible; and he therefore recommended it to ministers, to take particular care that a number of young men were properly trained up and educated for the service, so that in case of a rupture there might be a sufficient number of them qualified for petty officers. The want of this was severely felt at the commencement of the last war.

Sir *Charles Middleton* remarked, that when the matter had been first agitated a session or two since, he had great scruples upon the subject; but he was now persuaded, that the proposed measure was wise, prudent, and necessary. The securing the dock-yards was certainly a great object; but a still stronger reason operated upon his mind in its favour, and that was, it would enable us to have the full use of our navy in case of a war. This was likely to be a most essential advantage; and had we possessed it last war, he was firmly of opinion we should not have failed so often as we had done, because, although we might not be equal to our enemy upon the whole in point of naval force, yet there occurred several situations at sea, in which we might make ourselves equal.

Colonel *Barré* said, that he should put his decisive negative upon the position, that it was either right, or wise, or expedient, to fortify the dock-yards; and if the abstract question were to depend on his answer, he declared that he would say no to it in the most direct and unreserved manner. With regard to the argument of his right hon. friend who had opened the business, he must deny it, and every part of it. When the House had done him

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the honour to adopt his advice last session, was it to be imagined, that by his recommending a board of naval and land officers, men of high rank, known experience, and admitted abilities, to inquire into, and report the most proper and fit mode of defence of the kingdom, he meant a paltry, narrow, circumscribed plan of fortifying two dock-yards? He had not the smallest idea of any such scheme. He had been struck with the grand conduct of the wisest princess that ever reigned, who, at a period of extreme peril, had taken advantage of the collective wisdom of both services, the navy and army. He had read a pamphlet published under the auspices of the noble Duke, on the subject of fortifications, during the last year, and meeting with a passage which provoked his indignation, it occasioned his coming down to the House in the preceding session, on the day when the ordnance estimates were to be voted, and while sitting in his place and hearing the arguments which were then urged, he rose and delivered his opinion, in the course of which, warmed, and glowing with the importance of the matter in discussion, he had asked with some emphasis, "Who was the man that dared limit the extent of the navy of England, or circumscribe the exertions of this country in the increase of her marine!" That question he must put again, because the attempt was again made to commit so presumptuous an act; an act little short of treason to the state! It gave him infinite pain to differ in opinion from his right hon. friend; but his duty to his country demanded that he should speak out, and let no personal attachments, however strongly they clung about his heart, stand between him and the exercise of his honour, in doing his utmost in endeavouring to avert the disgrace (perhaps the ruin) which awaited the remaining parts of the British empire, if so rash, so mischievous a plan as that in contemplation was permitted to be carried into effect. The colonel recapitulated all which had passed upon the subject during the last session; and said, that the sort of board of general officers, and the objects to which they were to direct their attention, as well as the manner of directing it, were far different indeed from the constitution of the Board which had been instituted; the mode of their proceedings, the result of their inquiry, and the report they had made, the whole of which was so curious, that it was worth the while of the House to trace it regularly, and view it collectively. Having recapitulated all the steps taken from the period of his advising the institution of a general board of naval and military officers, to the day of the Extracts from the Report coming before the House, he marked every part of the proceeding, and held it up as a series of instances of artful management, misapplication of time and talents, and useless inquiry. The Board which he meant, was a board of great, respectable, and independent characters; men who had no vote to give, no favours to look for, no frowns to fear; men who would have done their duty without a consideration whom the result would please, or whom it would displease. Their object was to have been, to inquire into and report the best mode of defence of the kingdom, and in pursuit of such an object they would not have confined themselves to two petty spots, but would have acted on a large scale, and cast their eyes round the kingdom. They would not have compressed their business into ten days at Portsmouth, and ten days at Plymouth, but have employed a due proportion of time in a deliberate discharge of their duty. If Portsmouth and Plymouth ought to be fortified, Chatham, and Sheerness, and Dover, and Harwich, and Yarmouth, ought to be secured likewise; nor should the North pass unregarded.—The noble Duke had great abilities and great assiduity; he was astute, logical, and a perfect master of argument in debate—No wonder that he was too much for a set of brave officers, used chiefly to out with their lower-deck tier and make ready for action. The noble Duke was fond of engineering,

"Diruit, ædificat, mutat quadrata rotundis;"

and, to do him justice, he was no bad engineer. Let him employ himself in engineering, but not at the expense of the public! The colonel next compared the duke's qualifications for contriving and carrying into execution this or any other plan of fortification, with those of general Conway, lord Amherst, or lord Townshend, all of whom, he said, by procuring himself to be appointed president of the Board, he had excluded from their seats at that Board. Having dilated on their respective services and characters, he then remarked, that the office of master-general of the ordnance was a civil employment, and frequently held by a person not a military officer. He instanced the case of the duke of Montagu. He mentioned, as

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in his idea another characteristic of the noble duke at this time master-general, that he was never known to give up a point in his life; and that, he said, added to his being so astute, rendered it impossible for the respectable naval and land officers who sat at the Board to cope with him in a logical contest. He desired not to be understood as meaning to cast any imputation on the gentlemen who had constituted that board; he revered their characters, and bowed to their authority; it was the mode of institution resorted to, and not the men whom he condemned. In speaking of the uselessness of fortifications, he stated the erecting untenable lines of circumvallation, as giving strength to the enemy; and instanced in proof of his assertion, the fact of lord Amherst's having possessed himself of the lines of Ticonderoga, which the enemy, out of weakness in point of numbers, had abandoned, and which served lord Amherst as a useful shelter for his men from the enemy's fire. He could only account for Mr. Pitt's having taken so active a part in recommending so wild and useless a project, by supposing that his conscience had been surprised, or he would not have assisted at all. He should now beg leave to refer the House to a list of papers, copies of which had formerly been laid on the table, whence it would appear, that we had, during the last war, 120 sail of the line at sea, and 95,000 seamen on board, when the House had only voted 80,000, notwithstanding the number of British seamen on board privateers, and notwithstanding also the great drain occasioned by so many of the profligate of England, Scotland, and Ireland, having flown to America, entered on board their ships and other foreign vessels, and fought against their country. The peace had been marked by the epithet of a necessary peace; but it was a great and glorious peace; and, notwithstanding what had been uttered in that House and without doors about it, the author of this event daily received the gratulations of the whole kingdom for having wrought so happy a work. The noble Marquis, when he made it, was aware of his danger; he had honoured him with his confidence, and had said, "I know that if I do not make a peace immediately I can keep my place; if I do make it, I shall essentially serve my country, at this time sinking under the weight of almost exhausted resources, and utterly incapable of continuing war; but I shall lose my situation: I disdain, however, all considerations of a personal and self-interested nature; I will make a peace, be my risk what it may." This was the magnanimity with which he acted; but the confidence which the Court of Versailles had in him made the arduous task somewhat less difficult; and the country was now experiencing the blessings, the wealth, and the vigour that had flowed from the tranquillity which had been effected. In conclusion, colonel Barré desired not to be understood as meaning to hold himself out as a skilful engineer; he was none, nor could he pretend to any great military skill: he had been long invalided, most honourably indeed, more so than he deserved.

Mr. *James Luttrell* retorted on the colonel his profuse compliments to our invincible and unlimited navy, as ill suited to grace the terms of that peace which could not be thought glorious by comparison with the former peace; and he hoped no historian would ever be able to praise it by comparison with any future peace, which an enemy should dictate upon the ashes of our dock-yards. He lamented that it was not proper to lay before Parliament the whole proceedings of the Military Board. He wished the nation knew their danger, if that would induce them to apply a remedy. He also wished to do justice to the impartial and judicious proceedings of the Military Board. He read the questions referred to them by his Majesty's instructions, which he said were plain and distinct; he alluded also to the first unanimous resolution of land and sea officers contained in the Report, which stated, that they had availed themselves of his Majesty's permission to alter the *data;* and the very first *datum* so altered declared unanimously that fortifications were necessary for the security of the docks in the cases of absence of the whole fleet, or such other causes as might prevent the fleet from affording its protection to the docks. To this *datum* the sea officers were unanimous. It was enough for them to say, the docks ought to be fortified; they were not called upon to give any opinion on the construction of forts; that belonged to the engineers and general officers. If the sea officers had thought ships sufficient for the protection of the docks, they could easily have answered the first question, whether a naval defence could be relied on for the defence of the docks? The sea officers had pointed out where an enemy could land, and fully answered all maritime questions; but except such parts of

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the construction of a fort as was meant to operate against ships, and to guard the entrance of a harbour, they had not at Portsmouth given any opinion, neither did he think them authorized by his Majesty's instructions in the Report to give any opinion respecting the best system of fortification for land defence at Plymouth. The sea officers had also expressly declared, after recommending gun-boats, water and signal-houses, for Plymouth, that they had no other improvement or other system of defence to suggest.—He conceived his gallant friend (capt. Macbride) saw difficulties for an enemy to surmount in Whitesand-bay that he would not call difficulties if opposed to him in any operation on the enemy's coat; that to say a landing might be effected if unopposed, mixed a land question with a sea question. Unopposed might mean to oppose with 10 guns or 1000 guns; and an enemy is not unopposed, if, instead of risking the fate of the dock upon the possible event of landing, the object for landing was removed by giving perfect security to the dock. He compared Whitesand-bay with Gabruse-bay in America, to shew that greater natural difficulties, added to the opposition of fortifications, had not been sufficient to prevent the British troops from landing in the teeth of the enemy's batteries, for the important object of taking Louisbourg; and argued, that great difficulties will always be undertaken for a great object.—He went over the instances of our fleet in the last war abandoning the defence of the docks, and the difference between the policy of a general system of fortification to guard against an enemy whose numbers and preparations should be equal to an invasion of this kingdom against the collective force, and the policy of guarding our docks, the vital parts of the kingdom, from an enterprize of 20 or 30,000 men, in the temporary absence, or in case of the inferiority of our fleet, against our dock-yards.—He went into some detail to shew, that the French, without additional expense in war, only by keeping 15 or 20,000 men upon the opposite coast, and when occasion required, by laying embargo on their coasting vessels, would be at all times prepared in a war to push across the Channel under protection of their fleet, an expedition against our dock-yards. If forty sail of the line were to be kept in check by French troops, it allowed a French army virtually to operate as an increase of their navy, because a superior French fleet could force a landing, if our fleet should be inferior; and forty sail of the line at Brest would oblige us to keep forty sail of the line to oppose it, except in the case of French troops so situated as to force a landing near our docks, if we suffered our home fleet to be inferior to the enemy. Under this check of preparation for invasion, we could not send abroad reinforcements; and for the miserable economy of saving 500,000*l.* Jamaica, Barbadoes, Quebec, or our most valuable possessions in the East, might fall a sacrifice, and commerce and convoys be abandoned, owing to the inferiority of our fleet in those seas compared with those of the enemy, and our home fleet being confined to Channel service.—He reminded Mr. Fox of his argument at the opening of the session, threatening us with alliances between the Dutch, the French, the Spaniards, and the Emperor, and a combination of naval force against us unparalleled in any former period of our history. If it was true, that money could be found to build as many ships as all those powers combined, it was no increase of naval strength to build more ships than we can possibly man; and in the last war we never manned an equal number of ships to France and Spain alone, and an enormous increase of our seamen was by no means probable. We were told the French did not like to attack us, and that they would not keep 15 or 20,000 men in the towns and ports of the opposite coast; but by what magic, as extraordinary as any convulsion of nature, could any member of that House set bounds to the ambition of France, or limit the number of her troops, where great objects in view must justify great expense, great risk, and great efforts? We were told a future war may be a war of alliance. The object of these fortifications is to set the navy at liberty for offensive war, as well as for the defence of our foreign dependencies; and of all wars, a war of alliance ought to be an offensive war; because, if each ally only acts on the defensive, there would be no conquests made by either to balance, in the terms of peace, the losses which one of the allies, or more than one, might sustain: and the peace which could not partially be made for the benefit of the one, must end in terms disgraceful and inglorious for the whole.—To relieve our navy from local stationary service, these forts were meant to be erected. If we are weak, it is the

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more necessary; but even if we could launch half our forests, and cover the wide ocean with our numerous fleets, he wished them to go forth for offensive war, for extension of empire, protection of commerce, and for the glory of the British arms; but strongly reprobated their being obliged to lie idle, stationary, and sheltered in our ports, a mere defensive, inglorious, unprofitable force.—Speaking of the bad consequences and imbecility of the American war, he concluded by observing, that although it had been said, the sun of Britain's glory was sunk in our Western hemisphere, we had the consolation to see a glorious sun rise in our own horizon, which, though accused of not being yet in its meridian, had already shed its happy influence on this island, so as to restore vigour to the constitution, and such strength to the roots of our resources as promised the fairest prospect of growing prosperity, and of the future happiness and welfare of the British empire. He inferred that there were no grounds for despondency, nor for profusion; but that to grant the necessary supplies for so important a service, was state economy, as well as sound policy.—He remarked on several parts of the Report, and insisted there were but two negatives to some additional fortifications being necessary. That all admitted the noble Duke's system would completely defend the docks in case of the absence or inferiority of our fleets; but if we rejected that security, and kept an equal home fleet with the enemy for our defence, he feared such a measure must, in its consequences, eventually reduce our Sovereign from being monarch of an empire, to be king of the single island of Great Britain.

Mr. *J. Hawkins Browne* expressed the highest satisfaction at discovering that a zeal for the navy was universal on all sides of the House, and trusted that this would always be the darling service of the country; but he was astonished to hear the importance of the navy urged as an argument against these fortifications, when it was the only argument in their favour; for they were not intended to substitute a new species of defence for the kingdom in lieu of our navy, but to protect our dock yards, and our dock yards only, which were our vital and vulnerable parts, because they were the germ and support of our navy. A right hon. colonel had observed, that magnanimity was the best public virtue in times of vigorous enterprize, or in those moments of imminent danger which we experienced in 1779, and in 1782. Granted: yet prudence was a national virtue as well as magnanimity, and the most fit to be exercised when we had a prospect of long continuance of peace, as he hoped we now had, and when we might contemplate to advantage our former dangers, and pursue the wisest means to prevent the return of them. Fortifications, he observed, were not new in this country; large sums had been lavished upon them during every former war: but this was the first time that a regular plan had been laid before that House, not dictated by the pressure of immediate necessity, not dependent upon the opinion of any minister, nor the caprice of any master-general of the ordnance, but approved by the first military and naval characters in this country. This was to him, and must be to most members, in a great measure, a question of confidence. But, in whom were we to place confidence, if not in the Executive Government, calling upon us for the public defence, and supported by the names which appeared in the Report,—a Report to him perfectly satisfactory, and in the most essential parts unanimous? He concluded by pressing strongly upon the House, that if, in consequence of their rejection of this plan, and their refusing this confidence, they should live to see our dock yards destroyed, and the seeds and sources of our future navies annihilated, how they could ever forgive themselves, or make atonement to their constituents and the public?

Mr. *Courtenay* said, he hoped for the attention of the House on this very important, comprehensive question; as he would endeavour to compress what he had to say in as few words as possible. He begged leave to declare, to prevent all possibility of misconstruction, that in opposing the present system of fortification, he acted from no personal spleen to the noble duke at the head of the ordnance. He had always been treated with great civility and flattering attention by the noble duke, and should always esteem the approbation he had received of his official conduct from so discriminating a judge, as a singular honour. Mr. Courtenay then adverted to the very peculiar circumstances under which the Board of land and naval officers was constituted. It certainly never was understood, when the House of Commons reposed that un-

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bounded confidence in the Chancellor of the Exchequer—he would appeal to gentlemen on both sides of the House, whether they entertained the most distant ideas at the time—of any intention to make the noble duke President of such a Board, whose sole object and express purpose it was, to investigate and report on the merits of a plan of fortification projected by the noble duke himself. If there was nothing reprehensible but the indecorum of such an appointment, he should take but little notice of it; but when, by this management, the country was deprived of the abilities and assistance of some very able and experienced officers, it deserved the severest animadversion. He did not profess to give any invidious preference to one military man over another, not being a judge of the competent merits of military officers; but this he begged leave to say, that in a general view, age, experience, and long service, gave a decisive superiority in the military profession. Still he acknowledged there were sometimes, but rarely, illustrious exceptions to be met with; there were extraordinary characters who mastered every science, rather by intuition than study. But surely the most partial of the noble duke's friends would scarcely venture to rank him among beings of this very uncommon and superior class. He would therefore submit it to the House, as he was sure it would incite indignant feelings in their breasts, when they were told, that general Conway, lord Amherst, and lord Townshend, found themselves at once degraded and excluded, by receiving a circular letter from the Secretary of of State, to place themselves under the control and command of the noble duke. The public were insulted by having their names ostentatiously displayed in the Gazette, at the very moment they found themselves obliged to decline the service. For how could general Conway and lords Amherst and Townshend, consistently with their own dignity, and with military honour, serve as members of a board of land and naval officers under the duke of Richmond? The only alternative left them was to decline the service, regretting at the same time, that the very disagreeable and embarrassing situation in which they were placed, obliged them to take such a step. The next thing the public had a right to expect was this—that able and experienced officers should be substituted in the room of those who were thus studiously, and, perhaps he might add, assiduously excluded. Was this the case? No. Why was not sir Henry Clinton's name placed on the list? Early distinguished for his military skill and spirit; the friend and favourite of the Hereditary Prince; would it be suspected that he had adopted the sentiments of the Prince of Brunswick, on the expediency and utility of fortifying Portsmouth? Did the House know the opinion the Hereditary Prince gave on that subject? What he did say, probably did not apply to the noble duke; for he only said, after viewing the works and posts with a military eye, that no officer who knew how to manœuvre and station a corps of troops properly, would dream of defending Portsmouth by fortifications. Let us now contemplate the noble duke, president of the Board, declaring *ex cathedra*, laying down his hypothetical syllogisms, proving his own *data* by the *modus ponens*, and confuting all objections by the *modus tollens*, amidst the applause of his own engineers, amidst the roar of his own artillery. The noble duke judiciously attacked them with the only species of weapons with which they were unacquainted, and obtained an easy, decisive, and glorious victory.

Suppose we now revert to the probable expense of those projected fortifications, and observe their progressive increase, even on the noble duke's own estimate. In 1783, between 4 and 500,000*l.* was stated as sufficient to complete the intended works at Portsmouth and Plymouth for the security of the dock yards. In 1785, 692,562*l.* was stated as the probable amount, in the Military Memoir presented to the House, and signed by the master-general and the other members of the Board of Ordnance. In 1786 the estimate of the charge for completing the works, amounts to 760,097*l.* almost double the original sum, notwithstanding this last estimate had been reduced by the economical labours of the committee of engineers at the Tower, who had cut off near 50,000*l.* from colonel Dixon's calculation. This able and experienced engineer had added a third, and assigned this reason for doing so, to provide for extraordinaries which he could not foresee. However, he was called upon to specify what he had already said he could not foresee, and on his not complying, 50,000*l.* was struck off his estimate by the committee of engineers, which at least was a short and compendious mode of deciding the

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question. Now, if we add a third more on the whole of the estimate for 1786, it will amount to very nigh a million. The Chancellor of the Exchequer stated it so. Now supposing the fortifications completed, and a million expended, the bare interest of the sum is 50,000*l.* If we add to this 3 or 4 per cent. for repairs, (no unreasonable computation) besides the interest on that capital which still remains to be laid out in artillery, stores, &c. the whole annual charge perpetually entailed on this exhausted and impoverished country will be 100,000*l.* at least. To some gentlemen this might appear but a trifle, but let it be considered that every burthen is of a mixed nature, not solely to be estimated from the sum raised, but connected with the capacity of the people to bear it. Before the late unfortunate war, before the glorious prodigality of the German war, the people of the country were perhaps better able to bear an annual charge of 500,000*l.* than 50,000*l.* at present. Mr. Courtenay then alluded to what fell from an hon. gentleman, that the profuseness of the Chancellor of the Exchequer in this instance might induce the public to impute his conduct rather to private political motives than enlarged patriotic principles. For his own part, he reprobated such an idea; still he could not answer for the invidious construction of others, who might conceive it possible for the Chancellor of the Exchequer to sacrifice a million to gratify the whim, conciliate the obstinacy, and insure the precarious attachment of one capricious, projecting individual. However, if a political, he would not say, cordial, friendship could be promoted by such means, he had little objection. If the hands of Government could be strengthened by fortifying the dock-yards, a million was but a trifle to effect such a salutary purpose. If the principle was fairly avowed by the Chancellor of Exchequer, or any of his vouching friends, he would vote for the noble duke's fortification; confident as he was, that it would promote peace, unanimity and concord in the Cabinet, where it was sometimes so much wanted, and always so essentially requisite. Besides, the beneficial effects would not stop there—faction would be depressed and confounded; the petitions on the table would be withdrawn; the murmurs and complaints of the people would cease, if it was once avowed that the House of Commons had generously voted away a million of their constituents' money, for the sole and express purpose of cementing an alliance between two such great personages as the Master General of the Ordnance and the Chancellor of the Exchequer. To establish an adequate fund for the payment of the interest, and other incidental expenses, he hoped the shop-tax would be made perpetual, and the produce of it unalienably applied to the building of fortifications.

Mr. Courtenay then begged leave to observe, lest the panegyric passed on the noble duke in an eulogium, by an hon. general (Burgoyne), should make too strong an impression on the House, that the noble duke's skill was rather problematical, and indeed held in very slight estimation by professional officers with whom he had conversed on the subject. He had been told that there was a battery erected at South Sea Castle by the noble duke himself; nobody disputed the honour of it with him; it was his own unclaimed dividend: many of the guns were so injudiciously placed, that they would not bear on the designed object; the buoy on the spit; on firing, their recoil endangered the battery; and the narrow enclosed casements were so well contrived to prevent the escape of the smoke, that, on quick firing, the gunners must perish like bees suffocated in a hive. What should we think of the noble duke's line of defence, from Stoke's Bay to Frater Lake, above three miles in extent? He would appeal to any military man, whether an enemy's column might not, with the utmost facility, and with very little danger, penetrate between his two projected forts; and his boasted works must then fall at once. Was it ever discussed, or was it ever moved as a proposition by the noble duke, and submitted to the board, whether magazines (bomb proof) might not be built in the centre of Portsea Island, at a very inconsiderable expense, and whether an immense sum might not be saved by confining our military works to that island alone? A bomb-proof magazine (he spoke from the unquestionable authority of an excellent engineer) of about 400 rods of brick work, would almost hold double the quantity of combustible stores contained in the dock-yard at Portsmouth.

In short, the very respectable Board of naval and land officers were attacked by surprise, and surrounded and besieged by the noble duke's new-raised corps of data, axioms, postulata, lommas, corollaries, and hypothetical syllogisms, and soon

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found themselves reduced to surrender at discretion. Seriously, they found themselves absolutely precluded from considering the general defence of the kingdom, combined in all its circumstances, on a large and comprehensive view; and only specially appointed to examine the noble duke's plans for Portsmouth and Plymouth, and report accordingly. The Chancellor of the Exchequer had always, and indeed, rather triumphantly, laid it down as an incontrovertible datum, that the very existence of our fleet depended on the stores in our two dock-yards. Was the fact so? Thank Heaven it was not! The right hon. gentleman had again that day, with his usual eloquence, in all the fascinating pomp of declamation, ennobled and dignified—hemp, tar, pitch and oakum, turpentine and sail-cloth, by the name, style and title of the seeds and stamina of the future navies of England. Was this the language of a British statesman? Was this the language of a well-informed, enlightened British minister? For his part, he had always formed a very different idea on the subject; he had always thought that the seeds and stamina of our fleets consisted in an unbounded commerce, in the superior skill and gallantry of our naval officers, in the hardiness and intrepidity of the British sailors; in the freedom of the British constitution, which diffused a spirit of independence to the lowest individual of the community. Such were the true stamina of our navy; of that navy to which Britain was indebted for her empire and her glory, and which had extended her fame to the extremities of the globe:

"In vain the nations have conspir'd her fall,
"Her trench the sea, and fleets her floating wall."

But could the right hon. gentleman be ignorant, that there are ten times the quantity of naval stores in the merchants' warehouses in the river, than were ever at one time in the King's stores at Portsmouth or Plymouth? How many ships of the line were launched last year from slips in the river? Where did the East India Company build the Asia, Ganges, and the Bombay? Did not a noble earl (of Lonsdale) contract with a private builder for the ship which he designed as a present to the King? but, to his great regret, was most unluckily prevented from accomplishing his patriotic design, by that necessary peace which a noble earl made, and the Chancellor of the Exchequer signed.

Mr. Courtenay then expatiated on the spirit and generous exertions of the country gentlemen of England, who had last year compelled the minister, however reluctant, to suspend the noble duke's plans, and even put his office in commission, and now, by their perseverance and patriotism, would probably put an end to a scheme pregnant with every mischief. If this military projector was not checked in his career, none could know what consequences might ensue. A master-general, with his committee of engineers, like the Leputan philosophers, in their flying island, might hover over the kingdom in an ordnance balloon, descend in a moment, and seize on any man's house and domain—(Mr. Cary would not be the only sufferer)—draw out their scales and compasses, or sketch out their works. The country gentlemen would find their terraces converted into bastions, their slopes into glacis, their pleasure-grounds and shrubberies into horn-works and crown-works, to which they have hitherto borne an irreconcilable aversion. But where was this system to end? Who could set bounds to it? If Portsmouth and Plymouth were to be covered with military works to preserve the naval stores, London should be fortified on the same principle. Ridiculous as this project might now appear, there was once a serious design entertained of carrying it into execution. For the truth of the fact, he would appeal to the venerable records of the Court of Aldermen, to the authentic minutes of the Board of Ordnance. When the Pretender in the year 1745, or, to speak more courtly language, the grandson of James 2, had slipped the Royal army and advanced as far as Stone, the board of aldermen took no false alarm. The lord mayor sent a circular letter to every member, commanding his attendance, constituted himself president, drew up a set of instructions to direct their proceedings; and, after a long debate, it was at last unanimously agreed to apply to the duke of Newcastle to send them an engineer; as, on such an arduous occasion, they did not choose to entrust the defence of the metropolis to the city surveyor: his office, therefore, like the noble duke's, was put in commission, colonel Lascelles was actually appointed for this duty, and was directed to wait on the lord mayor and aldermen with a plan and estimate; but an express critically arriving, with an account of the Highlanders' retreat to Scotland, put a stop to this wise project. If we were resolved to provide

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against all possible dangers by fortification, why should not Newcastle, Sunderland, and many other important places, be secured in this way? The noble Duke, from a principle of gratitude, would not leave our collieries exposed to an attack; and they would equally affect the partial attention of the Chancellor of the Exchequer; as he had early, with infinite sagacity, perceived in them the stamina of future taxation. Mr. Courtenay then alluded to what colonel Barré had rather, he thought, invidiously introduced, a sort of comparison between the commission issued to sir Walter Raleigh and others, the first military characters of the age, in in the reign of queen Elizabeth, and the late circular letter and instructions to the noble duke. This was tender and delicate ground; otherwise, he had a strong inclination to say—'Rex facit Elizabeth 'olim; nunc est Regina Jacobus.' Mr. Courtenay said, he now clearly perceived why the right hon. gentleman had, with his usual point and energy, objected to the master-general's having a seat in the Cabinet, as our navy was to be increased, our army diminished, by the singular expedient of building fortifications. If we were to credit the Chancellor of the Exchequer (though all this appeared an ordance conundrum to him), why might not the want of allies be supplied in the same manner? It was only one step farther; on this supposition the right hon. colonel Barré might justly apprehend, that the master-general would act consistently with his own principles, and oppose any alliance in the Cabinet, lest it should make his fortifications less expedient and necessary. Indeed, this was the most singular, and at the same time the most versatile project that ever was devised. In other ages, and in other countries, the increase of the military establishment was always deemed essential when the fortifying system took place, otherwise it became relative weakness. But the noble Duke had so contrived it (and the Chancellor of the Exchequer became his voucher) that it would reduce our standing army, increase our fleet, and furnish us with firm and steady confederates in the day of peril. By a sort of second sight, we were to discover allies in pentagonal forts, and a squadron of the line in a chain of redoubts.

Mr. Courtenay observed, that several gentlemen had justly stigmatized the fortifying system as dangerous and inimical to freedom and the constitution. He should take the liberty of offering to the House the sentiments of a great political writer on the subject: baron Montesquieu expressly applauds the watchful jealousy of the English, in not permitting the Executive Government to erect military works and fortifications, as by such means despotism may be established under the specious pretext of protecting the kingdom against a foreign enemy. Historical facts conconfirmed the principle. In the reign of Charles 1, the glorious efforts of our ancestors would not have proved successful, if Portsmouth had then been surrounded with the present projected works; and lord Clarendon justly remarks, that the possession of this place was almost reckoned decisive in the contests between the King and Parliament. However, he did not mean to draw any invidious parallel between those inglorious and the present auspicious times: but we might not always be blessed with a gracious prince; we might not always have a mild, unassuming virtuous minister. Still it was the duty of the representatives of the people to guard posterity against those evils which they were not apprehensive of suffering themselves. Mr. Courtenay concluded by calling forcibly on every man, who felt for the rights and liberties of his country, who venerated the glorious constitution of England, as it behoved every man, to reflect seriously before he gave his voice on a proposition of such dangerous tendency—a proposition which went directly to depreciate the British navy, and to substitute a new and fallacious mode of defence in its room. On his conscience and honour he believed the vote of that night would be decisive; fatally decisive indeed, if the amendment proposed by the hon. gentleman was not carried.

Lord *George Lenox* begged leave to assure the hon. gentleman, that he was not thoroughly grounded upon the facts to which he had adverted. In one instance he had erred extremely; for it was a truth, that at the fortification of South-Sea castle, built by the master-general of the Ordnance, neither the defect of letting its guns run back at the time of firing, nor of smothering the men with their smoke, had ever taken place. The hon. gentleman had a manner of delivering his sentiments which might divert himself; but he must appeal to the hon. general, if the fact did not differ most materially from such statements.

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General *Burgoyne* declared, that thus called upon, he could not as a man of honour refuse to say, that he had seen the fortress, and that he had not observed the inconvenience in question.

Mr. *Courtenay* answered, that he had not asserted the fact as falling within his own knowledge, but had merely stated, that such a circumstance had been related to him by an engineer.

Mr. *Marsham* rested his objection to the proposed system chiefly on the difference of opinion which prevailed between the naval and land officers who formed the Board of Inquiry. In all points of so peculiar a nature, the authority of the land and sea officers would have great weight with him; and had he reason to think that the Board had been fairly and impartially constituted, and that their opinions were unanimous in favour of the proposed system, he should, in that case, have given his vote in support; but in consequence of what he had heard from the hon. and gallant officer near him (capt. Macbride), he was led to imagine that the reverse was the fact. In order to shew what had been the prevailing opinion of the best and wisest statesmen on the subject of insular defence, when the danger of invasion was most dreaded, he should trouble the House with an extract of a letter written by sir Nicholas Throgmorton to Secretary Burleigh in the reign of queen Elizabeth; it ran thus:—"In any wise, Mr. Secretary, tend your force, credit, and devise, to maintain and increase your navy by all the means you can possible; for in this time, considering all circumstances, it is the flower of England's garland; animate and cherish as many as you can to serve by sea. Let them neither want good deeds, nor good words. It is your best and most cheap defence, and most redoubted of your enemies and doubtful friends; there is not so many perils in it, as there is to depend upon fortresses; neither the charges be like."

Lord *Mahon* declared, that in his opinion, the increasing the army was not the best way to increase the navy; but he always conceived, that a standing army ought to be an object of constitutional jealousy in this country. No consideration whatever should have induced him to support this plan, if it had not been proved to the House, that it would tend to decrease instead of increasing the number of troops necessary to be employed to defend the dock-yards. The question was not, whether there should be fortifications or no fortifications to defend the dock-yards; but whether the present existing fortifications, which require a very large body of troops to man them, and which are not adequate to the defence of the dock-yards, or whether the plan proposed by the duke of Richmond, which will require a much smaller number of troops to man them, and which will give security to the dock-yards, ought to be preferred.

Mr. *Sheridan* declared, that he gave the noble viscount full credit for the principles he had professed with respect to the constitution, and that he did sincerely believe that the noble viscount would not vote for the measure then under discussion, but upon a supposition that its tendency was rather to diminish than augment the military power of the Crown; upon this ground, therefore, he would meet him, and he was sanguine enough to believe, that the noble lord might be induced to alter the opinion which he had declared, unless, indeed, he was restrained from exercising his free judgment upon the subject. What was the noble lord's argument? He had rested the matter entirely upon the ground taken by his right hon. friend (Mr. Pitt), that the pursuing this system of fortification would actually diminish the standing army in this country, and that the number of troops being so diminished, there would be proportionally less cause for that constitutional jealousy, with which all parties agreed it was our duty to regard the increasing military power of the Crown. That this system of defence by fortifications, could, under any circumstances, have the effect of reducing the standing army, he must beg leave utterly to deny. Some plausible arguments, indeed, had been adduced in support of this notion, which, however, when sifted, would be found fallacious and contradictory; for the present, however, he would wave that point, and admit implicitly, that the standing army of the country would be reduced by the measure proposed precisely in the proportion stated by the noble lord; it then, however, remained to be proved, that, giving the noble lord his premises, he was right in his conclusion. When we talked of a constitutional jealousy of the military power of the Crown, what was the real object to which we pointed our suspicion? What was the *datum*, as the fashionable phrase was, upon which they proceeded? What? but that it was in the nature of

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kings to love power, and in the constitution of armies to obey kings. This was most delicate ground to touch upon; but the circumstances of the present question called for plain dealing; and for his part, he could not be suspected, even in the smallest degree, of alluding either to the present Monarch on the throne, or to the army under his command. He agreed most sincerely to the distinctions taken with respect to both, by a worthy baronet who had spoken before him; but, at the same time, it must be admitted, that whenever we spoke of a constitutional jealousy of the army, it was upon a supposition that the unhappy time might come, when a prince, misled by evil counsellors, and against the suggestions of his own gracious temper, of course, might cherish the disastrous notion, that he could become greater by making his subjects less, and that an army might be found so forgetful of their duty as citizens, so warped by feelings of false honour, or so degraded by habits of implicit obedience, as to support their military head in an attempt upon the rights and liberties of their country. The possible existence of this case, and the probable coincidence of these circumstances, was that to which every gentleman's mind must point, when he admitted an argument upon the subject; otherwise we burlesqued and derided the wisdom of our ancestors, with the provisions of the Bill of Rights, and made a mere mockery of the salutary and sacred reserve with which, for a short and limited period, we annually intrusted the executive Magistrate with the necessary defence of the country. This plain statement being really the case, to what, in such a crisis, were we to look? Were our apprehensions only to be directed to the length of the muster-roll of men in the King's pay? Were we to calculate only the number of soldiers whom he could encamp at Hounslow, or the force of the detachment which he might spare to surround the lobby of the House of Commons? No; the jet and substance of the question lay briefly here: In which of the two situations now argued upon, would the King and his evil advisers find themselves in a state of the greatest military force and preparation, and most likely to command and to receive a military support? In this point of view would it be argued, that these fortresses, which were to become capable of resisting the siege of a foreign enemy landed in force, would serve as a sufficient strength in the hands of the Crown, when the enemy was his people? Would no stress be given to the great and important distinction, already ably urged, between troops elected and separated from their fellow-citizens in garrisons and forts, and men living scattered and entangled in all the common duties and connexions of their countrymen? Was this an argument of no weight when applied to the militia, who were to form a part of these garrisons; or would it, even for a moment, be pretended, that men under such circumstances, and in such disciplined habits, were not a thousand times more likely to despise the breath of Parliament, and to lend themselves to the active purposes of tyranny and ambition, than the loose and unconnected bodies which exist even with jealousy under the present system? It was unnecessary to press the distinction: the fact was, that these strong military holds, if maintained as they must be in peace, by full and disciplined garrisons; if well provided, and calculated to stand regular sieges, as the present plan professed, and if extended to all the objects to which the system must inevitably lead, whether they were to be considered as inducements to tempt a weak prince to evil views, or as engines of power in case of an actual rupture, would in truth, promise tenfold the means of curbing and subduing the country, than could be stated to arise even from doubling the present military establishment; with this extraordinary aggravation attending the folly of consenting to such a system, that those very naval stores and magazines, the seed and sources of our future navies, the effectual preservation of which was the pretence for these unassailable fortresses, would in that case become a pledge and hostage in the hands of the Crown, which, in a country circumstanced as this was, must insure an unconditional submission to the most extravagant claims which despotism could dictate.

What could possibly prove more fallacious than holding out expectations that a system of defence by fortifications could, in fact, end in a retrenchment of the standing army! The first fallacy in this argument stood forward in the supposition, that the system of defence by fortifications was necessarily to stop, when Portsmouth and Plymouth should become secured, and that the reasoning upon which the extensive works for those places were justified, would not apply to any other parts of the

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kingdom, however their importance called for defence, or their situation exposed them to attack. The shortest method of refuting this idea, was simply to suppose the same board of officers, acting under the same instructions, and deliberating under the same data, going a circuit round the coast of the kingdom, and directed to report upon the various places in their progress; and let any person fairly consider the suppositions under which they make their present report, and then hesitate to confess that they must, of necessity, recommend a similar plan of defence proportioned to the importance of every place to which their attention was directed. It was superfluous to dwell upon the circumstances which no longer permitted us to consider Holland in future otherwise than as a province of France, or which rendered it equally reasonable to look with an eye of apprehension to the neighbouring coast belonging to the Emperor; because, the fact was evident, that in the case of this country being engaged in a war against a powerful confederacy (upon the supposition of which alone the present scheme was recommended and justified), every motive of prudence must compel us to direct an attention as vigorous and vigilant to the eastern, as to the southern coast of this country. It was not possible for the House to remain at a loss to discover various places which, with Chatham and Sheerness (where most extensive lines had actually been begun under the auspices of the noble Duke), must necessarily be provided for in the new system of protection; and for his own part, indeed, he could wish that any person would compute the stationary defence necessary for such places, in addition to the 22,000 men demanded for Portsmouth and Plymouth, and allow likewise for any moving force in the country, and then decide what chance there was that this prolific system would terminate in a reduction of the standing army.

Concerning the probability of our being able to furnish men for the constant maintenance of these garrisons, he felt it requisite to observe that the argument had been, not a reference to our present peace establishment, but to the extent of the service during the most extravagant periods of the last war; which, in other words, was to hold out a notion that we might speedily again look to a time when we should become able to expend for the purpose of war fifteen millions of money in the course of a single year—at the very moment when the right hon. gentleman was holding out the reduction of our debt by a few hundred thousand pounds, as the triumph of his administration, and the corner-stone of that pillar upon which his fame was to become emblazoned! But even supposing this to be possible, and considering the reference to our establishment in the last war as just, the right hon. gentleman had taken an unfair advantage of the argument; for when he stated the numerous armies which we had upon the continent of America, as resources from which we were in future to garrison these forts, and increase our home defence, he ought also to have taken into his account the enormous floating establishment which attended upon those armies, and which being converted into an efficient naval defence at home, would make both his fortifications and his garrisons unnecessary.

To the attack which the right hon. gentleman (Mr. Pitt) had chosen to make upon the late Administration, he should beg leave to answer, that in whatever point of view he was, that day, to regard the right hon. gentleman, whether as that glorious orb which an hon. gentleman had described him to be, whose influence and power was more than to compensate to the nation for the loss of an hemisphere; or whether his lustre was calculated rather to dazzle and surprise, than to cherish and invigorate; whether he merited the less complimentary language of his right hon. friend (col. Barré), who observed, that his conscience had been surprised in this business; or whether he had capitulated upon regular approaches; whether he had been successful in repelling the insinuation of another gentleman, that he was not in earnest in this cause, by the vehemence of his manner, or had confirmed it by the weakness of his argument; whether the right hon. gentleman most deserved the praises or the reproach which he had received, he would not embarrass himself by pretending to determine; but would only observe, that one part of his conduct had most astonishingly escaped the panegyric of his friends—he meant the spirit and enterprize with which, taking his hint probably from the subject in debate, he had endeavoured to carry the war into the enemy's country, and pursue measures of offence and attack, while every pass at home was left unfortified and defenceless.

For, what was the ground of this strenuous charge? The late Administration

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(as the right hon. gentleman asserted) had submitted part of this very plan to the judgment of Parliament, but at the desire of the House withdrew that part for reconsideration; and now, if, upon reconsideration, they had in any respect altered their opinion, it was the grossest inconsistency of conduct and dereliction of principle!—an extraordinary charge, and particularly so from the gentleman by whom it was urged! He had reconsidered many subjects, without aspiring to the merit of an obstinate adherence to his first opinion. He had reconsidered his American Intercourse Bill, and had publicly avowed that he had parted with every idea which he once entertained upon that subject. He had reconsidered his India Bill, and before it was engrossed, had scarcely suffered one word to remain which belonged to it when it was brought in. He had reconsidered his Irish Resolutions, in every part, provision, and principle; and, having first offered them as a bounty to Ireland, he had reconsidered the boon, and annexed a price to it, and then reconsidered his own reconsideration, and abandoned his own indispensable condition! And yet this minister, whose whole government had been one continued series of rash proposition and ungraceful concession, held it out as a palpable enormity in others, that reconsideration should have produced alteration of sentiment, and that too upon a subject where the first opinion must have been taken upon credit, and the second was called for upon minute information and authentic inquiry. In the same excellent spirit of reconsideration, many honourable gentlemen round the minister, who had formerly given a decided opinion against the fortifications, were now solicitous to argue in their favour. As an effectual defence of the conduct of the late Administration, he could prove, by referring to the estimates and journals of 1783, that they had not the least occasion to resort to the justification of having changed their minds in consequence of better information; for the fact was, that they never had, even in the slightest degree, committed themselves in either any opinion or approbation whatever of the present plan.

Concerning the history of the rise and progress of fortifications in this island, upon which the right hon. gentleman had laid so much stress, as if he had proved, that what was not new, must be constitutional, and that the point which had been often tried, must be fit to be carried into execution; he should maintain, that every word urged on this subject made against the cause which it was brought to support; for experience, even by their own statement, convinced us of nothing but that the nation had invariably been deluded and defrauded upon this unprincipled plea of fortifications; that much had been done and undone, many schemes and many projectors tried; many millions spent, and the object avowedly as distant as ever! So that repeated proofs of past deception were all which they urged as arguments for present confidence; and it was modestly expected, that they would believe, that because a point had been always unsuccessfully attempted, it was now at last certain of being wisely accomplished.

The right hon. gentleman (Mr. Pitt) had chosen eagerly to dwell upon a pretended charge of inconsistency which he advanced against an hon. captain (Macbride), and which, although the latter had omitted to reply to it, had no other foundation than the right gentleman having thought proper to confound the opinion of the land with that of the sea officers. With respect to the report itself, he was ready to admit, that those who had entrenched themselves in constitutional objections only, refusing to be bound by the advice and authority of any board of general officers or engineers whatsoever upon such a subject, had taken strong and respectable ground; and that those also, who had argued the subject more with a reference to the state of the revenue of the country, and had seemed to consider the measure as advisable, or otherwise, according as it should prove consistent with the necessary principles of economy, were undoubtedly entitled to every attention. For his own part, however, he did not go to the extreme of the reasoning used on either of these topics; every hour produced instances where practices highly dangerous by their precedent, and evidently infringing on the established rights of the subject, were resorted to, unavoidably perhaps, for the purpose of retrieving and maintaining that public credit, without which the affairs of this country were completely desperate. The right hon. gentleman had pledged himself not to press this business unless he could make it appear to be a measure not less essential to national safety than even the preservation of national credit. Upon this line of argument

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the dangers to be apprehended to the constitution, which were stated as eventual and remote, must, of course, give way, and the point of economy was wholly out of the question.

The right hon. gentleman had also contended, that the decision of a board specially appointed for this inquiry, and consisting of persons eminently qualified for the judgment expected from them, was the best authority which the country could obtain on the subject, and afforded a surer guide for the opinion and conduct of that House, than either the arguments or the information of its individual members could supply. To this he had already assented, and now repeated his assent; nor did he hesitate to renew the pledge to which the right hon. gentleman had appeared so anxious to fix him, that he, for his own part, mindful of the terms upon which the question was suspended at the close of the last session, would rest contented to abide by the decision of a board so described, and to withdraw his objections to the plan, if it could be fairly made appear that these gentlemen upon a full investigation of the whole of the subject proposed last year in parliament to be submitted to their inquiry, and being left to their own free and unfettered judgment in forming their decision—had reported, as their decided and unqualified opinion, that the plan under discussion, was a measure which it became the wisdom and prudence of Parliament to adopt. Upon this point they were at issue, and the report in his hand was the only authority to which he should appeal, and the sole ground upon which he should argue.

Yet, previous to the least discussion of the matter of the report, he could not omit to take notice of many circumstances attending the manner of its formation. Far from meaning to reflect upon the officers who composed the Board, he must beg leave to support the complaint which had been urged by the right hon. colonel (Barré) who first suggested this reference, that, in violation of the confidence reposed in ministers, they had not referred the question of a system for the general defence of the country to the Board, giving them due time and materials for forming their opinion upon the great and extensive subject, but had merely required from them a short answer relative to two points of attack under certain *data* of their own imposing.

Many powerful, perhaps unanswerable objections had been made against the appointment of the noble Duke to be president of the Board. Some hon. gentlemen had alluded to peculiar circumstances of the noble duke's personal character; he had been described as a man who was never known to give up a point; but whether this was the case or not, or whether there were some principles of public profession, to which the noble duke had not very rigorously adhered, he would not pretend to decide, as he might be suspected of speaking from party prejudices. There was one characteristic, however, of the noble duke's mind, which he thought might be fairly mentioned, as it was a peculiarity which had been publicly brought forward in argument by high authority in that House; and if now referring to it, he were to represent that noble personage as of a temper eager to extravagance, and vehement in the extreme, if he were to describe him as a person who, having taken up a just principle, was capable of defeating all salutary proceeding upon it, by driving on with a heated imagination to the most flighty and preposterous conclusions, the Chancellor of the Exchequer would become his authority. He was the person who had led him and the House into that opinion, as must be in the recollection of every hon. gentleman who, during a former session, heard that right hon. gentleman discuss the noble duke's principles of parliamentary reform, and recollected the terms of indignant ridicule with which he had cautioned them against the schemes of so visionary a projector. If, therefore, he was arraigned for following any plan of the noble duke with a peculiar degree of jealousy, he should leave his justification in the abler hands of the right hon. gentleman. Yet the noble duke deserved the warmest panegyrics for the striking proofs which he had given of his genius as an engineer, which appeared even in the planning and constructing of the paper in his hand! The professional ability of the master-general shone as conspicuously there, as it could upon our coasts. He had made it an argument of posts, and conducted his reasoning upon principles of trigonometry, as well as logic. There were certain detached *data*, like advanced works, to keep the enemy at a distance from the main object in debate. Strong provisions covered the flanks of his assertions. His very queries were in casements. No impression, therefore, was to be made on this fortress of sophis-

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try, by desultory observations, and it was necessary to sit down before it, and assail it by regular approaches. It was fortunate, however, to observe, that notwithstanding all the skill employed by the noble and literary engineer, his mode of defence on paper was open to the same objection which had been urged against his other fortifications; that if his adversary got possession of one of his posts, it became strength against him, and the means of subduing the whole line of his argument.

Mr. Sheridan said, that the points which he should conceive he had distinctly established from the authentic document before the House, notwithstanding the mutilated state in which it appeared, were:—first, that not one word, hint, or suggestion on the part of the naval officers tending to give any approbation, either directly or by implication, to the scheme of fortification then in debate, was to be found in that paper; but that, on the contrary, from the manner in which a reference was made to the minutes of the naval officers, of which the result was withholden, a strong presumption might be grounded, wholly independent of the information which the House had received from members of that Board, that those minutes did contain a condemnation of the plan. He did not expect to hear it argued that the result of those minutes could not be communicated, because they were mixed with dangerous matters of intelligence; they had shewn a sufficient degree of ingenuity in the manner of having extracted them from the report; and it would prove extraordinary indeed, if wherever the judgment was unfavourable, it should have been so blended and complicated with matter of detail and dangerous discussion, that no chemical process in the Ordnance laboratory could possibly separate them; while, on the contrary, every approving opinion, like a light subtile oily fluid, floated at the top at once, and the clumsiest clerk was capable of presenting it to the House, pure and untinged by a single particle of the argument or information upon which it was produced. In the second place, he should contend, that the opinion given by the land officers in favour of the plan, was hypothetical and conditional; and that they had unanimously and invariably refused to lend their authority to, or to make themselves responsible for, the *data* or suppositions upon which that opinion was to be maintained. This circumstance deserved the more particular attention of the House, because the report had been so artfully managed, as in many points to appear to support the Chancellor of the Exchequer in a contrary assertion. Next, he regarded himself as unanswerably justified in concluding that the *data* themselves were founded upon a supposition of events so improbable and desperate, that the existence of the case contained in them, carried with it not the imminent danger of Portsmouth and Plymouth only, but the actual conquest of the island. Upon this occasion, he did not think much detail of argument was necessary, after he had established, that the case alluded to, in the words often recurred to—"under the circumstance of the *data*,"—was literally this, "The absence of the whole British fleet for the space of three months, while an army of 30 or 40,000 men was ready on the enemy's coast to invade this country, that enemy to choose their point of landing, to land and encamp with heavy artillery, and every necessary for a siege, while no force in Great Britain could be collected in less than two months to oppose them." By no means could he admit as a fact that, even taking it for granted that the enemy should decide to assault no part but Portsmouth and Plymouth, he should, with most polite hostility, scorn to strike a blow at the heart of the empire, but in the courtly spirit of a French duellist, aim only to wound in the sword-arm; yet even under this idea, must he deny that these only objects provided for, could be said to be effectually secured. For, first, it was not made out that the enemy might not either land or march to the eastward of Plymouth, where no defence was pretended; and secondly, the whole question turning upon a supposition of our being inferior at sea, in that case a presumption of the safe return of the inferior and its beating the superior fleet, was the sole resource for the relief of the besieged dock-yards, the defence of which was expressly stated in the report to be calculated only as against the force, and for the time, expressed in the *data*; so that the enemy having it obviously in his power, while master of the sea, to recruit his own army, as well as to keep the other exposed parts of this kingdom in check and alarm, and thereby to prevent the possibility of our assembling and uniting a force sufficient to raise the siege, it followed, that if either the enemy's army exceeded the number sup-

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posed, or that the time was prolonged beyond the period calculated, the whole of this effectual security vanished under their own reasoning, and we should merely have prepared a strong hold in the country for our foe, a hold which the circumstances under which he was supposed to make the attack, would enable him for ever to retain.

Mr. Sheridan now proceeding to his remarks concerning the distinction which had been taken relative to the different persons who were supposed to form the opposition to the present plan, said, that he had heard the old insinuations of party views resorted to by those who defended the original motion; and some gentlemen who most strenuously opposed it, had, however, in a kind of language which he could not avoid taking notice of, disavowed any party feeling or connexion with the party in question. With respect to himself, he was happy that the business had worn so little the appearance of party as it had; and although he had moved for and obtained the report, which had been so much discussed, and upon which so much had turned, he had proved himself ready and anxious to resign the business into the hands of the respectable gentleman who had upon that day so ably brought it forward. He could never, for one, submit to the imputation, that the party with whom he had the honour to act were supporting or opposing any measure upon motives less just, less fair, or less honourable than those which influenced any other description of gentlemen in that House. The present question could not even be pretended to be pursued with party policy, as there was not a person in the House who could avoid confessing that party purposes would be better gratified by entangling the right hon. gentleman in the pursuit of this obnoxious and unpopular scheme: but the gentleman who had upon that day led the opposition to it, had been so wished to take such a lead, because it appeared among the most effectual means of warding off an injury from the country; otherwise to be enlisting under leaders for the day, or courting the temporary assistance of any description of gentlemen, would, in his opinion, prove a conduct as impolitic as undignified. On the other hand, to recede from any important contest, because gentlemen unconnected with them were likely to have the credit of the event, would deservedly cast on them the reproach of being a faction, and not a party. But this was not their conduct; they could defend their situation upon system and principle; however reduced their ranks, they were more desirous to prove they were in the right than to increase their numbers. He was confident, however, that the gentlemen to whom he might be supposed to allude, were too liberal to set a less value upon their support that day because it was unaccompanied by adulation, or any endeavour to canvass for their future connexion. Let us upon this night be firmly embodied in a cause we equally approve. Let us do this great service to the country; then separate, and seek opposing camps. Let them return with the double triumph, if they will, of having conferred an important benefit on their constituents and the nation, and a real obligation on the Government. Let them have the credit with the country of having defeated the minister's measure, and the merit with his friends, of having rescued him from a perilous dilemma. Leave us only the silent satisfaction, that, without envying the reputation of those whom we were content to follow, without being piqued by insinuations against our motives, and without debating whether the minister might not be served by our success, we gave an earnest and zealous assistance in defeating a measure, which, under the specious pretence of securing our coasts, strikes at the root of our great national defence, and at the heart of the constitution itself.

Mr. *Fox* remarked, that his hon. friend had gone so fully into the whole of his subject, and had argued it so closely, that it was unnecessary for him to take up much of the time of the House. He would therefore speak only to a few points, so personal to himself, that the House, as he conceived, would think it highly necessary for him to take some notice of them. The right hon. gentleman (Mr. Pitt) had pretty strongly insinuated that the system of fortification now in contemplation, was a part of that identical system which he (Mr. Fox) had, when in office, proposed to the House. This was not by any means a correct representation of the fact; for, in truth, he never had proposed any plan of fortification whatever; but in the ordnance estimates of the year 1783, a specific sum was asked for the purpose of going on with Fort Monkton, and another small fort which had been begun; yet, a demur arising upon the subject, he had agreed in

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the committee to take the two charges out of the estimate, and reserve them for future consideration; and the remaining part of the estimate was voted without them. In his opinion, a right hon. colonel (Barré) had well said, that it was not by fortifying Portsmouth and Plymouth merely, that we were to look for a defence of the kingdom either from invasion or dangerous attacks; because, undoubtedly, there were other vulnerable parts of our coast, which required attention as well as those proposed to be fortified. As to the late peace, some observations concerning which had given such offence to the right hon. colonel, he should still deny that it had been either a necessary, or a great and glorious peace; and contend, that in the relative state of this kingdom at the time, compared with the state of other powers, we had a right to expect a much more advantageous treaty. If, however, it had been great and glorious, those who remained in office, and enjoyed a share in making it, had divided the rewards of it in a manner singularly striking. For themselves they had taken places and emoluments, and left the person who was supposed to have been the principal negociator of it in full possession of all the encomiums which the warmest of his panegyrists could bestow. But ease and praise were the true objects of genuine ambition. These they liberally bestowed upon the noble marquis (Lansdowne); these substantial recompences, these solid honours, have they nobly secured to him, in his favourite retirement, in his sequestered happiness, in rustic peace, and undisturbed repose. For themselves, on the contrary, have they not reserved all the cares, the anxieties, the fatigues, the solicitations, and the emoluments of office? Generous partition!—substantial fame for their patron; mere official reward for themselves! It is the extreme of absurdity to imagine, on party considerations, that the carrying the proposed amendment can prove an object of the slightest estimation. Who can conceive that either I or my friends shall be one step nearer the acquisition of office or of power, whether the plan succeeds or fails? If defeating the minister, even in points which he has unequivocally supported to the utmost of his power, could have served us in a party light, how came it that, notwithstanding the numerous defeats which he has endured, he continues unshaken, and even more firm than ever? Has the failure of the Irish propositions in the least affected him as a minister? Did his shameful defeat in the question of the Westminster scrutiny either prejudice him, or serve me, in a ministerial light? Did his abandonment of the cotton-tax take an atom from his consequence? But, in fact, he is a minister who thrives by defeat, and flourishes by disappointment. The country gentlemen oppose him upon one occasion, only to give him more strength upon another; he is beaten by them upon one subject, only to be assisted by them on a a succeeding one; if he falls by the landed interest to-day, he is sure to rise by them to-morrow with added energy and recruited vigour. — In conclusion, he must beg leave to remind the House, that the right hon. gentleman had, as usual, availed himself of his machinery in his opening speech. He had drawn into his argument the American war and the coalition. He was a little surprised that the poor India Bill had escaped. Those topics, however, the right hon. gentleman might bring forward as often as he thought proper. No part of his conduct was he ashamed of; and although clamour, artfully raised and industriously kept alive, might for a while put a false and injurious construction upon it, time would dissipate the cloud of prejudice, and convince all men how egregiously they had been duped and deluded. And here he should avow, that he retained all his great party principles upon constitutional questions, and that it was this circumstance that formed the line between him and the right hon. gentleman. "I stand," said he, "upon this great principle: I say that the people of England have a right to control the executive power, by the interference of their representatives in this House. The right hon. gentleman maintains the contrary. He is the cause of our political enmity: to this I adhere; to this I pledge myself, and upon this ground I mean to vote for the amendment."

Lord *North* contended, that the proposed system was reprehensible on the grounds of policy and economy, and that if every master-general of the Ordnance were to be indulged in constructing such plans of fortification as his caprice approved, there would be no end to the expense. What was begun by one board of ordnance would be pulled down by another, and new works would be erected, which would again be pulled down by the next. It was therefore highly necessary

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to come to some determination with respect to the subject, and not continue to proceed upon so unsettled a system. He should vote for the amendment.

Mr. *Dundas* answered, that it was with a view to meet the objections started by the noble lord, that the system of fortifications then under consideration had been proposed. It was by laying down a permanent system that an end would be put to the expensive practice which had prevailed. He contended, that a mode of defence which would give security to our dock-yards, and preserve the vital sources of our navy from the danger of being destroyed during any future war, was an object of so much importance, that 700,000*l.* or even a million, would prove a cheap price to pay for the purchase. The question was, would the House go to that expense for the attainment of an object so immediately connected with the future existence of our navy, or would they avoid it? To such a question he should not imagine that any man in his senses, who was not misled by prejudice, could hesitate a moment to reply in the affirmative. He relied a good deal on the opinion of the board of officers, who, he must contend, had delivered it as their unanimous opinion, not only that such a system of fortification was absolutely necessary, but that it was the particular plan which could be erected at the smallest expense, and would require the fewest soldiers to man.

Mr. *Windham* said, that Mr. Dundas had argued the question fairly, and was the only advocate in favour of the proposed system, who had put it upon its right ground. The question came shortly to this: a plan of fortification was proposed, and it must cost 700,000*l.* Would the House, or would they not agree to pay that price for it? Mr. Windham having so stated the matter in issue between the two sides of the House, added, that they would act unwisely and imprudently, were they to accept the bargain upon the terms proposed. Fortifications in general were insecure and dangerous means of defence, and of all others the most unfit for us to adopt. "Spem pro pretio emere, ridiculum est," was an established maxim, but "Detrimentum et periculum pro pretio emere, ridiculum est," was still more undeniable; and therefore he should vote for the amendment, on the ground, that to pay 700,000*l.* for fortifications, would be to lavish so much of the public money, for the purchase of alarm and danger.

Mr. *Pitt* remarked, that, notwithstanding his having trespassed, during such a length of time, upon the patience of the House, he flattered himself that, even at a very advanced hour, they would not refuse their wonted indulgence, especially after they had heard so much, that rendered a reply from him indispensably necessary. Upon this occasion, he must beg leave to contend, that the question was clearly a naval question; and that it had been made to appear, in his mind, unanswerably, that if the plan were adopted, a smaller army establishment would become necessary than had hitherto been kept up. An hon. gentleman (Mr. Walwyn) as a new member, and evidently not much used to public speaking, was indeed excusable for having mentioned the report which he had heard; but that report was ill founded; he was, however, greatly hurt at finding such a report hazarded within those walls; and he had been still more astonished, when he heard something fall from a right hon. colonel (Barré), whose infirmity he was extremely concerned to understand had forced him to withdraw, which looked like an insinuation darkly wrapped up under the words, "that his conscience had been surprised," and which seemed to have been directly aimed at the same end. He had only to say, that he considered both the one and the other, if the meaning which he had assumed really belonged to them, as founded in the blackest malignity, and as highly injurious to his character. He repeated his assurances, that the proposed plan was intimately connected with the future welfare and prosperity of the navy; and that unless some such plan were soon adopted, the country and that House would have to lament, and to blame themselves for rejecting a measure so much to the national advantage, and on which the preservation of their liberties, and of the constitution itself, depended.

At seven in the morning, the House divided on the motion, that the words "proposed to be left out," stand part of the question.

Tellers.

YEAS	Mr. Steele - - - -	169
	Mr. M. A. Taylor - -	
NOES	Lord Maitland - - -	169
	Captain Macbride - -	

And the members being equal, Mr. Speaker said, that although he should have wished to have stated at large his

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reasons for the opinion he had formed on the question, yet, after so long a debate, he had too much respect for the House to take up any more of their time; and therefore declared himself with the noes. So it passed in the negative.

Mr. *Fox* said, that the motions which his right hon. friend (Mr. Burke) was to have made on the preceding day, for papers relative to Mr. Hastings, could not be made before Wednesday; on which day they probably would be made by his right hon. friend, who was then prevented by illness from attending his duty in that House; a fortunate circumstance for the right hon. the Speaker, as it had given him an opportunity, which he otherwise would not have had, of gaining immortal honour, by his casting vote upon the subject of fortifications.

Debate in the Commons on the Encouragement of the British Turbot Fishery.] March 2. The House having resolved itself into a Committee of the whole House, to consider of the Report from the Committee of the State of the British Fisheries, Mr. M. A. Taylor in the chair,

Mr. *Beaufoy* rose and said:—Sir; As I had the honour of presenting to the House the Report for the consideration of which they have now resolved themselves into a committee, I must intreat their indulgence for a few moments, while I briefly describe the plan which the resolutions contained in the Report are meant to recommend. In bringing forward this business, I have pleasure in contemplating the intimate connexion it has with the naval interests of this kingdom; and I have also pleasure in recollecting, that it is a business to which the members of the House have repeatedly shown themselves favourably disposed; for in the two last sessions, as well as in the present, they appointed a committee expressly for the purpose of ascertaining the most effectual means of extending the fisheries of Great Britain. It was in consequence of the inquiries of the committee of the last year, that I was enabled to propose to the House a Bill, which they did me the honour to approve, for removing the restraints which unwise and improvident laws had imposed on the progress of the fisheries on the northern and western coasts of the island. It is in consequence of the inquiries of the committee of the present year, that I am now enabled to propose what may be considered as the second part of the system—a plan for improving the fisheries in the eastern seas of the kingdom. This desirable object the Report before you proposes to obtain, by transferring from foreigners to our own countrymen, from Dutchmen to Englishmen, the valuable fishery for turbot. It is in our own seas that all these fish are taken—it is to our own markets that almost all of them are brought: yet they are taken by Dutchmen; they are brought to market by Dutchmen; all the profits arising from the sale of the fish, all the advantages resulting from the encouragement of seamen and the maintenance of naval strength, all the benefits both public and private which the fishery affords, are at this time monopolized by the Dutch. Those advantages the report upon your table proposes to transfer to the people of this kingdom. The principle of the system is, that our countrymen should be preferred to foreigners; that English fishermen are entitled to some advantage in our English market; and that it is more to the interest of Britain to encourage her own fisheries, to reward the industry of her own people, to increase the number of her own seamen, and to add to her own naval strength, than it can be to encourage the fisheries, or reward the industry, or promote the naval strength of Holland, a country which is always a rival, and sometimes an enemy.

Before I proceed to move the resolutions which I shall have the honour of submitting to the committee, perhaps, Sir, it may not be unnecessary, nor altogether uninteresting, briefly to describe the nature of the fishery to which these resolutions relate. The turbot fishery begins about the latter end of March, at which time the Dutch fishermen assemble on that part of the Dutch coast which lies a few leagues to the south of Scheveling; from thence as the warm weather approaches, the fish, in order to avoid the heats, retire farther and farther north. During the months of April and May they continue on the bank, which is generally called the Broad Fourteens, and which runs nearly parallel to the coast of Holland from the latitude of Scheveling to a latitude considerably to the north of the Texel. Early in June, the fish remove from the Broad Fourteens, to the banks that surround the small island of Hylingland which lies westward of Hamburgh, off the river Elbe, but at a considerable distance at sea: there the fishery continues to the middle of the month of

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August, at which time it is over for the year.—Having thus described the times when, and the places where the turbot are caught, the next object of inquiry is the mode of taking them. At the beginning of the season the fish are caught with a sort of drag-net, which is drawn along the banks, and which sweeps from the sand, the various species of flat fish which lie there, such as soles, plaice, thornback, and among the rest, turbot: but when the season for the removal of the fish is arrived, and the turbots retire from the banks on the coasts of Holland to those in the neighbourhood of Hylingland, the depth of the water, and the unevenness of the ground render the use of the drag net wholly impracticable. The fishermen are then obliged to have recourse to the hook and line. The line that is employed for this purpose is not of the sort that is held by the hand, and that is furnished with a single hook; for the line employed in the turbot fishery is generally more than two miles in length, and is furnished with six or seven hundred hooks, which are placed at the distance of several yards from each other; so that when the line, as the vessel drives, is thrown into the water, and sinking by means of its leads, a considerable length of ground is occupied by the successive hooks. Besides the leads that are employed to sink the line, several anchors are fastened to it at different distances, in order to prevent its drawing with the tide. The hooks, during one part of the season, are baited with the common smelt, and during the other with a fish that resembles the eel, except that its colour is different, and that its head is drawn out to a kind of bill, which, in shape, is like that of a bird, and from which it takes its name of gore-bill. Fortunately this fish is found in great abundance on the western coast of the island. Thus it appears, that, at the first of the season, the turbots are taken only with nets, and at the latter end of it only with hooks; but during the middle part of the season, before the removal of the fish from the coast of Holland, both methods are in use.

Such, Sir, is the nature of a fishery which levies on this kingdom a large annual contribution for the maintenance of the naval strength of the Dutch. To the Dutch that money is given that would support 800 seamen for the service of the British Government. The Dutch are allowed to possess themselves of an employment that affords them a perfect knowledge of the navigation of our seas; and that in a future war would enable them to pilot the ships of their new ally to the very Thames itself. To effect a transfer of this fishery from the Hollanders to our own countrymen, two expedients are proposed in the report. The one is a tax upon the tonnage of foreign vessels importing turbots into this kingdom: the other is a small bounty, as an additional encouragement to our own people. That either a tax or a prohibition on foreigners should be laid, cannot, I suppose, be doubted; but some doubts may possibly arise on the comparative advantage of the two modes of proceeding. For my own part, I should think the tax the preferable measure; because, while it equally insures to the British fishermen the possession of the trade, whenever they are prepared to take the whole upon themselves, it does not in the intermediate time exclude all other channels of supply. The other expedient suggested by the Report is, as I observed, a bounty in favour of our fishermen. In recommending a bounty, I am sensible that I advise a measure which ought on very few occasions to be adopted, since there are very few on which it can be justified. For this reason I am anxious that the present bounty, if approved by the committee, shall be founded on such principles, and be circumscribed by such rules, as shall render its operation less expensive to the public, yet more effectual to its end, than bounties have generally proved. An attempt to ascertain the rules by which, on these occasions, the liberty of the Legislature ought to be governed, will not, I am persuaded, be considered as trivial and uninteresting, when the committee recollect, that, in the course of the last year, no less a sum than 91,000*l.* was paid to one single fishery.

The first principle, generally speaking, which ought to be observed in the grant of a bounty, is, that the term of a grant should be limited. For, as the intention of the Legislature in giving the bounty is the encouragement of a trade, which, if once established, would afford a reasonable return on the capital employed, but in which the inexperience of the subject renders him unwilling to engage, the bounty, it is evident, like the cause from which it takes its rise, should be of temporary continuance. Conformably to this maxim, I would beg leave to propose that the bounty on turbots should be limited to the term of five years. A second principle of

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a judicious bounty is, that the sum granted by the Legislature should diminish gradually, rather than be all at once and suddenly withdrawn: for if the external supports on which a trade has been accustomed to lean should be abruptly removed, much violence to the interests of the trade must unavoidably ensue: whereas, if the aid which is given by the Legislature is diminished by degrees, the trade will be brought naturally and easily to rest on its own bearings. I would, therefore, suggest the expedience of declaring, that, after the term of three years, the bounty on turbot shall begin to diminish, so that, in the course of the fourth year, not more than two-thirds of the former annual sum shall be distributed; and that in the fifth year only one-third shall be given; by which means the trade will be preserved from the danger of a fatal shock, when at the end of the fifth year, the aid of Parliament shall wholly be withdrawn.—A third principle of a judicious bounty is, that the extent of the expense which it brings on the public should, from the first, be clearly ascertained. The public have a right to the means of comparing the value of the object to be obtained with the amount of the sum that must be given for obtaining it; for, otherwise, how can they be sure that they are not making an injudicious and improvident bargain. In pursuance of this maxim, I will take the liberty of proposing, that, during the three first years of the term, the bounty shall not exceed 4,000*l.* per annum: that during the fourth year it shall not exceed 3,000*l.*; and that during the fifth year it shall not exceed 2,000*l.*—The last principle, with the mention of which I shall trouble the committee, is, that the bounty should be given on the commodity produced, rather than on the instrument of its produce. I would say, for example, that a bounty for the encouragement of agriculture should be given on the corn, rather than on the plough; that a bounty for the establishment of a wearing manufacture should be granted on the cloth, rather than on the loom; and that a bounty for encouraging a new fishery should be given on the fish, rather than on the vessel; for, on this plan, the public expense cannot out-run the benefit received, and the bounty will operate as a reward to industry, not as a means of insuring idleness from loss.

Such are the principles on which, as far as I can judge, bounties in general should be granted; and, trusting to the hope that they will meet the approbation of the committee, I should now move the several resolutions, were I not aware that the whole plan is open to one very obvious objection, which, before I proceed, it becomes me to obviate. The objection is, that, as during a part of the season the turbots are caught upon banks that are contiguous to Holland, the Dutch may perhaps exclude our fishermen from the trade by excluding them from the coast. That the Dutch have this power cannot be disputed; but that they will think the exercise of it politic or safe I never can believe; for let them once establish, as a practical maxim, the opinion, that every nation has a right to exclude from its coasts all fishermen but its own, and what will become of the fishery which they themselves carry on for herrings not only upon our coasts, but almost in our very harbours? What will become of their pretensions to consider Brassa Sound as the first, and Peterhead as the second, of their fishing stations? Or on what ground will they claim the indulgence of following the fish upon our shores, from the north of Aberdeenshire to the southernmost parts of Suffolk? Will they hazard the loss of the fishery which first made them a people? Will they hazard this ancient source of their independence, this best support of their wealth and of their naval power? I cannot imagine that what they emphatically call their great fishery will thus be sacrificed to the preservation of a fishery of subordinate importance. Should this, however, be the case, their decision will be fortunate for Britain; for we shall then, in conjunction with the Irish, be possessed of little less than a monopoly of the herring trade; the Swedes, our only other rivals, not being likely, for reasons easily assigned, to maintain their competition long. Upon these grounds I feel no hesitation in submitting to the committee the different resolutions that are intended to form the basis of the Bill, which I hope I shall be permitted to offer to the House, confident that from such a Bill one or other of two important advantages must certainly ensue—the acquisition of the valuable fishery for turbots, or the still greater acquisition of the Dutch fishery for herrings.

Mr. *Hussey* observed, that as the point in question was probably new to many hon. gentlemen, he could wish to know whether it would not answer better for the chairman to report progress, and request permission to sit again, in order that, dur-

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ing the space of two or three days, the resolutions might lie upon the table for the inspection of the members, who thus might be enabled to give their votes upon the clearest and most decisive grounds? Unless this should prove the case, he must beg leave to intimate to the hon. gentleman his wishes that he would favour the House with a more ample explanation of his meaning and intentions. Could he ascertain that, as a natural consequence of bearing away a material portion of the fishing trade from the Dutch, London would become supplied in proper quantities with turbot?

Mr. *Beaufoy* said, the matter was not so new as the hon. gentleman imagined; the resolutions he had moved, were the result of a committee above stairs, which had long been engaged upon the subject, had presented and printed two Reports, and had been open for every gentleman or member of that House to come to, if he thought proper. He explained Mr. Hussey's other question very fully by recapitulating the number of vessels that had engaged to go from Gravesend, Yarmouth, &c. shewing that nearly the whole number were already prepared. He also stated the number of seamen employed, and at what expense, declaring that every man employed in the Greenland fishery, cost the country 13*l.* 10*s.* a man; and that if the expense was twice 13*l.* 10*s.* it would be well worth while. The expense, however, of the seamen employed in the turbot fishery would be no more than 4*l.* 10*s.* a man.

Alderman *Watson* rose to express his astonishment at the hon. gentleman's comparing the turbot fishery to the Greenland fishery; they were no more to be compared than a herring was to a whale. He expatiated on the valuable benefits this country derived from the Greenland fishery, which had been the great means of preserving the existence of the wooden walls of England. The alderman nevertheless greatly commended the proposed plan of taking the turbot fishery into our own hands, and said he doubted not but it would be of infinite importance and national advantage. He only wished the bounties were not narrowed, but made general.

Mr. *Beaufoy* gave his reasons, why it was more expedient to confine them in the manner proposed.

Mr. *Rolle* wished for time, lest the fishery carried on off the coast of Devon, by means of which the London market was supplied by land carriage, should be injured.

Lord *Graham* stated, that if the scheme were not instantly adopted, it would be lost for the year, as the fishery began this month.

Mr. Alderman *Sawbridge* greatly commended the scheme, and declared the objections that had been mentioned to it to be weak and invalid. He said there was no fear of the London market being supplied, as the Dutch, in case our people failed, would find it worth their while to pay the 10*s.* a tun duty on the fish brought by them, and raise the price of the fish accordingly; the hon. gentleman therefore need not be afraid of going without his turbot for dinner.

Sir *John Jarvis* praised the scheme, and said it struck him as desirable to be adopted on more than one account. He did not like to see Dutchmen running up and down the Channel, and into the Thames and all our rivers without pilots. The political circumstances of the country considered, it was not wise nor prudent.

The resolutions were agreed to.

Debate in the Commons on the Repeal of the Shop Tax.] The House then resolved itself into a committee of the whole House, to consider of the several petitions which had been presented praying for the repeal of the Shop Tax.

Sir *Watkin Lewes* rose and observed, that, having upon a former occasion intimated to the House his design of moving for a repeal of the shop tax, he should now take the liberty of intruding himself still farther upon their patience with a brief description of the motives inducing him to prosecute a task, which he could with pleasure consign to any of those numerous members whose influence and abilities were far superior to his own; yet, having the honour to be one of the representatives of the metropolis which was principally affected by this partial and oppressive tax, he should ill deserve the confidence of his constituents, were he not to exert the utmost of his abilities to relieve them from so heavy a burthen. When he considered the arguments upon which the tax was supported during the last session, that it would fall upon the consumer, the operation of which they had not then experienced, and when he recollected the testimony of the respectable persons who appeared at the bar, and proved to a demonstration that it operated

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as a personal tax, and that it could not be imposed upon the consumer, he entertained hopes that the gentlemen who were supporters of the tax before would become converts to his opinion. The Chancellor of the Exchequer had stated the tax as amounting to 140,000*l.*; but he did not think it right to take it at the highest calculation: he would, therefore, take it at 120,000*l.* That, compared with the assessment on the table for three quarters of a year, amounted only to 55,000*l.*; adding another quarter, it would amount to 73,000*l.*, very little above half the sum it was proposed to raise. He appealed to the right hon. gentleman, whether it was a tax which he ought to persevere in; for a more exceptionable tax he could not propose. Besides, when they considered that most of the great cities and towns throughout the kingdom petitioned against this tax, all bearing a uniform testimony, that it would operate as a personal tax, and would not be imposed on the consumer, what members could deny that it was a partial and oppressive tax upon a description of men who, with the utmost industry, could hardly maintain their families, and who were entitled to their protection, particularly as not one of the representatives in that House took a share of the burthen? The tax ought to be repealed *in toto*, without any modification; and therefore he should move, "that the chairman be directed to move the House, That leave be given to bring in a Bill to repeal the said Act."

Mr. Alderman *Sawbridge* said, that the right hon. gentleman, when he introduced the tax, had declared that it would fall upon the consumer. The reverse of this had been stated at the bar to have been the operation of the tax, which stood proved a personal tax, and a tax which the shopkeeper must pay out of his own pocket, without a chance of recovering any part of it. The inability of many of the shopkeepers of this metropolis, on whom the tax principally pressed, to pay it, had been established by the clearest testimony; and therefore he hoped the House would not persist in so partial, so unjust, and so diabolical a tax, but that the right hon. gentleman would meet the wishes of the people, by consenting to repeal it. The question was not a party question: it ought to be treated on its own merits, independently of any other consideration. His political principles were well known; and whenever a party contest was the matter in hand, he was never ashamed to avow his reasons for supporting the side of the question taken by those with whom he generally acted. If any thing of party had mixed with the question, it would have been his object that the minister should not repeal the Bill; because if any one step could shake his popularity more than another, it would be for him to persist in keeping a bill in force which had deservedly drawn down upon it such general odium and detestation; but the fact was, that exclusive of the desire which he had to get the Act repealed, in gratification of the anxious wishes of his constituents, who would readily contribute their share towards the public exigencies of the state, it was his sincere opinion that the tax was a bad one, and would not produce any thing like the money for which it was given.

Mr. Alderman *Newnham* could not avoid considering the tax as replete with partiality, injustice, and oppression; particularly because almost the whole weight of it fell upon the shopkeepers of London. Well known was their readiness at all times to contribute to assist the public necessities, provided they were called upon to contribute equally with the rest of the people; but it was unfair to select them out to pay a very heavy tax, which was not felt by others infinitely more capable of paying it. As the minister had been saved the expense of the fortifications, which appeared rather calculated to destroy the constitution than to defend the kingdom, he might well afford to give up the paltry sum which the shop tax was likely to produce.

Mr. Alderman *Hammet* considered the tax as one of the most critical and important points that ever fell under the investigation of Parliament. If not repealed, a principle of taxation of the most dangerous nature, a principle striking at the very foundation of the constitution, would become established; a principle that Parliament might take the money, by a tax, out of the pocket of any particular description of individuals; a principle to which he, for one, never would give his consent; nor to any tax, no part of which the members of that House were to pay themselves. What right had they to tax one set of men more than another? If such an abominable principle obtained, any man worth 200,000*l.* might be selected, and 100,000*l.* taken away from the man, whether he chose it or not. Let

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every man make the case his own. He detested all personal taxes; for all taxes ought to operate equally on every man according to his property and affluence. The shop tax did not. He had a large property in houses, and yet neither he nor any of his tenants paid towards it. The tax on attornies he always thought an unjust one; because a poor fellow, who came and asked permission to draw a few leases, and the attorney who kept many clerks, and was in full and profitable practice, each paid 5*l.* a year licence. Was that equitable? The House would recollect, that he was the first man who objected to the tax in his place, and that all he had predicted of it had been fulfilled. Exclusive of this, he had endeavoured to probe the truth: he had asked if the bookseller could increase the price of his books, or the printseller of his prints, and he found neither of them could do it. On this occasion he had referred himself to an irreproachable and enlightened individual, Mr. Alderman Boydell, and found, as he expected, that the sentiments which he entertained concerning the tax were such as strongly militated against its flagrant and oppressive partiality.

Sir *Joseph Mawbey* observed, that his constituents, to whose opinion he in this case implicitly assented, detested the personality of the tax, and most severely reprobated it as an intolerable grievance; nor should he have absented himself during the investigation of its demerits, but that extreme indisposition confined him to his house.

Sir *Edward Astley* professed himself a friend to the tax when it was originally proposed. He had expressed his satisfaction, because he thought the shop-keepers deserved it, for having for some time entered into a combination to defeat the operation of the receipt tax. He had last year strongly urged the minister to make the receipt tax effectual by some proper regulations: if that were done, it would produce a large sum.

Mr. *Amyatt* was an advocate for either the repeal of the Bill, or some modification of it. He said, that if shop-keepers were permitted to charge 5 per cent. on their book debts, he believed they would be contented.

Mr. *Loveden* declared, that his constituents, satisfied with the tax, only wished for the abolition of hawkers and pedlars.

Mr. *H. Thornton* felt it necessary to explain his reasons why, having, during the course of the preceding session, given a vote in favour of the Bill, he now resolved to meet it with his opposition. The manner in which he had conducted himself had been misrepresented to his constituents, and had drawn down upon him a degree of unpopularity, greater perhaps than had ever fallen upon a representative of any place before. As open and ingenuous conduct was always to be preferred, he thought it incumbent on him to declare the fact, and he would have the courage to say, that though he might possibly repent the vote he had last year given, he did not repent the motive that impelled him to give that vote, which was a consideration of the great exigency of public affairs, a conviction that taxes, at once irksome and severe, must be imposed on the subject, and an idea that, in a choice of difficulties, the tax on shops was as fair a tax as any other that had then been suggested. He had since that time received the instructions, and indeed the repeated intreaties of his constituents, to support a motion for the repeal of the tax, and he should vote accordingly. He would advise the Chancellor of the Exchequer to relinquish a tax so extremely odious and unpopular to so large a body as the shop tax was. Unless he thought proper to pursue this measure, at the division of the House he doubtless would perceive most of the representatives of counties and populous cities and towns giving their voice in opposition to his own. The most respectable part of the House would shrink from his side, and the chief, if not the whole, of his diminished political phalanx consist of the members for decayed and rotten boroughs.

Mr. *Drake* jun. said, that he had been toiling all the day up stairs in a committee room, and therefore as he had not been able to prepare himself with any array of argument, he must content himself with a little skirmishing. He said, that when the tax was first proposed, the House were necessarily obliged to consider it speculatively, and to act upon what it was thought it would produce. Since that time assertion had become evidence, and experience was opposed to theory. It had been proved to be a partial and oppressive tax, and the sooner it was repealed the better. He conceived it to be a personal tax, and not a tax on consumption; but if it were the latter, it was impossible but that a great deal more money would be levied on the public than would go into

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the Exchequer. He reminded the House what had been the case when a duty on wines, amounting to the rate of one penny the bottle, was imposed; at that time the retailers charged two pence, and, in some cases, five pence advance on that penny. An hon. gentleman had suggested, that if shop-keepers were allowed to charge 5 per cent. interest on their book debts, it would make them willing to acquiesce under the shop tax. For his part, he did not admire that scheme; because he feared the shop-keeper would, if that were adopted, often lose both principal and interest. It would be an easy way of settling accounts to men who owed more than they really could or would pay. When the claim was made, such men would say to the shop-keeper, "Oh! charge me 5 per cent. interest; let the account go on, and make a great capital of it!" and thus the whole would be lost. A repeal was the best way of quieting all scruples, and settling all disgusts. He expressed an ardent wish to see Mr. Fox and Mr. Pitt united in their country's service. Were that the case, what might he not expect of benefit to Great Britain! He professed the most enthusiastic admiration of Mr. Pitt's virtues and talents. He declared it was not a desire of having him sacrifice to popularity, that prompted him to advise a repeal of the Bill. He was not so ignorant of the world as to remain, at the present hour of his life, a stranger to the transient nature of popularity; nor, although perfectly convinced how pleasing to a liberal mind the consciousness of enjoying the approbation of the multitude must always prove, could he set so exorbitant a value upon public praise as to become miserable in the extreme when he did not enjoy it.

Mr. *Powys* said, that as he had not hitherto been favoured with instructions from his constituents, he did not rise with the weight of the hon. representative of Southwark, or the worthy magistrates who had commenced the debate. He had neither received any instructions nor intimations, and therefore he should look to the petitions on the table; being of opinion that the petitions of the people, let them come from whom they would, always deserved the respect and attention of that House. To the sort of evidence given at the bar he had listened very closely. He gave the witnesses the credit of being extremely well informed; but there were some positions of theirs to which he could not reconcile his mind; in particular, their declaration, that the competition between the capital shop-keeper and the petty shop-keeper would prevent their enabling themselves to reimburse the charge of the tax by a distribution of it on the articles they dealt in, was a position to which his own opinions would not suffer him to assent. He also revolted at the idea of the capital shop-keepers absorbing the smaller shop-keeper. Why would that be more probable in future than it had been hitherto? There always had been both descriptions, and the one had the same degree of power over the other, and yet the petty shop-keepers were not absorbed. He was inclined to consider it as a tax on consumption, which would in time find its level. He did not like, at any rate, to repeal it merely because it was unpopular. He recollected that the Receipt-tax was, at one time, equally unpopular, and so would every tax be that raised a good deal of money. If the present could be proved to be personal, it must be repealed; but it had not yet been so proved. A tribute of considerable applause was certainly due to the minister for every step in his political procedures, as far as they respected the finances of the nation; nor did any act entitle him to a greater share of panegyric than the rapidity with which he had funded the unfunded debt. Mr. Powys observed, that he meant to form one exception to the remark of an hon. gentleman, that the ministerial phalanx must, on the present occasion, consist of the members for rotten boroughs.

Mr. *W. Stanhope* observed, that although he enjoyed the honour of being a representative for one of the most extensive and opulent commercial towns in the kingdom, his constituents had not hitherto directed him to meet the Shop-tax with an opposing voice; nor indeed could he, for his own part, conceive why such an impost was improper. The shop-keepers would contrive that the consumers should pay it, and that it might be so laid as to be a fair tax. The tax certainly ought to be altered. The criterion by which it was laid was most absurd. The colour of a man's door was just as certain a rule to judge what his shop was worth. There were a great many people who paid very high rents for their houses, and yet who did very little business; and again, there were others in directly the reverse situation. He stated the case of Mr. Gray, the buckle maker, or seller, in New Bond-street, and opposed it to an artificial-flower

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maker's shop in the upper part of the street. The former did a great deal of business and kept his country house; the latter did very little, and yet paid a much higher rent than the former. Might not a better end be answered, were a shop assessed separately, valued at a third of the rent, and that third taxed in proportion?

Mr. *Francis* declared, he had no intention to embarrass the minister in the business of taxation and finance. He rose merely to speak in behalf of that lower order of shop-keepers whose voice was not very likely to reach that House; he meant the petty shop-keepers who dwelt in houses from 5*l.* to 15*l.* a year. The shop-keepers of that description must be extremely distressed by the tax, and theirs was a case which rather appealed to the compassion of the House, than came forward with any other ground of appeal.

Mr. *Pitt* said, that it gave him no inconsiderable pleasure to embrace an opportunity of rising so soon after an hon. gentleman who had uttered observations which reflected the highest credit upon the benevolence of his heart; and he trusted that, previous to the conclusion of those remarks with which he must beg leave to trespass upon the attention of the House, he should convince the hon. gentleman that, upon the present occasion, his breast was not destitute of proper feeling. He agreed, that the question was one of the utmost consequence, but that it also lay within a very narrow compass. The whole of the objections to the tax might be classed under two heads; the one applying to the justice of the House, the other simply to its compassion and humanity. The first of those objections was, that the tax was personal; that it was impossible to lay it on the consumer; and that it was of course highly partial and oppressive. The other objection was, that, in certain cases, it fell with a heavy weight on persons who were absolutely incompetent to pay it at all. As to the first, he declared himself to labour under very disagreeable feelings, in being obliged to avow, that, notwithstanding the very intelligent manner in which the witnesses at the bar had given their testimony, they had by no means brought home conviction to his mind of the truth of the grievance of which they complained. He was not surprised at the great resistance which appeared to be given to the measure, when he considered how unwilling people were in general to pay any tax at all, and how strongly their prejudices were excited against the present tax in particular, by persons who had first found it their interest to give it the most violent degree of opposition in parliament, and had afterwards endeavoured with all their industry to communicate that violence to the people abroad. It had originally been argued in favour of the tax, that it would be made to operate as a general impost upon consumption; and it was now attempted to be proved that it could not be made so to operate, but must remain a burthen on the shop-keeper. The aversion of the shop-keepers themselves was adduced as an argument in favour of this construction; for it was taken for granted, that if the shop-keeper could at all indemnify himself, he could do it to an extent out of all proportion greater than he was entitled to do, and therefore that his dissatisfaction must necessarily arise from the impossibility of indemnifying himself at all. In his opinion, the opposition could be as easily accounted for from the natural prejudices of mankind, by which the persons paying the tax were inclined to overlook the additional profits they might make by an advanced price on their commodities, because those were scattered and minute in their parts, and to lay a greater emphasis on the tax they had to pay, though not greater in amount, because it was to go out of their pockets in a lumping sum. The particular part of the question, which related to the practicability of laying the amount of the tax on the articles of trade, appeared to him to have met with great misrepresentation, and a very unfair inquiry. He had endeavoured to elucidate that inquiry by a question which he asked one of the witnesses, By what criterion were the charges of the retailers of any commodity to be regulated? The answer was one to which he could not subscribe. By the prime cost. If this were the case, what regulated the difference of prices charged by the wholesale dealer or manufacturer, and the retailer? There were, he apprehended, a variety of considerations which ought to weigh with a trader in fixing a price on his commodity: besides the prime cost, he was to estimate the other expenses as well as the trouble which might attend it—the bringing it to market, and, if it was a commodity unfit for immediate consumption, the manufacturing it to a state of perfection, were attended with a degree of labour and attention for

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which he was to indemnify himself by his price. It was not merely by the prime cost that the retail price was to be governed, but by every other incidental expense attending the business; so that the retail shop-keepers might as easily advance their prices, in order to indemnify themselves from the tax, as they could for the purpose of answering any other charge they might incur. The nature of the competition in trade was not a competition to undersell others, so much as to sell at a rate which would procure the dealer a proper living profit. What this profit was, depended upon the circumstances of the trader, and was that general profit which would enable him to live in a style suitable to his rank among people of that class; from whence it must appear, that a considerable trader could not estimate his profits by those of an inferior one, but must make them keep pace with the proportion between their several capitals. Thus the inferior trader kept pace in his proportional profits with the superior; and if the superior ventured to undersell the inferior, his proportional profit, which was in fact his living profit, must become diminished, which would effectually prevent his attempting to do so.

It was something extraordinary that it should be contended, either that no advance at all could be made in the prices of the articles of the retail trade, or that if any advance should be made, it must be to such a degree as would burthen the public with a tax infinitely greater than that imposed upon the shop-keeper. Thus the principle of competition was powerful enough to enable the trader to practise a heavy imposition against the public, but not sufficiently to protect and indemnify himself from a small burthen. But neither of those extremes were to be expected; for, in the first place, on the principle that every trader expected a general proportional profit upon the whole of his capital, adequate to that capital, and therefore would not attempt to undersell the inferior trader, as by so doing he would diminish that proportional profit; so the danger of losing all their business would prevent any of them from going so far in increasing their prices as to impose upon the public in the degree which had been suggested. In trades of any peculiar mystery or skill, persons might endeavour to stretch their profits to an unreasonable length, because no such danger of rivalship existed there as in other cases; but, in that particular instance, to extend the profit too far would lessen the consumption: in the ordinary course of business, however, any attempt to raise a too exorbitant compensation on the public would raise up competitors, and defeat the object. The absurdity of supposing that the addition of a small burthen on the shop-keepers would in any degree destroy the general level of trade, must appear to those who should reflect upon the difference between the rents of houses at the present time from what they were thirty years ago, and from what they possibly might be thirty years hence; and this increase should be considered in the same point of view as the present tax, with this difference, that the proportion of the tax was in favour of the lower orders of shop-keepers; whereas the increase of rents had no such proportion. Did this increase, then, give any unfair advantage to the superior shop-keeper? If so, how had the inferior ones kept their ground? And if they could keep their ground against a general rise in rents, why not equally in the circumstance of an additional tax, not general and equal, but calculated to maintain a proportion favourable to the poorer classes? Hence it must follow, that the general principle of a proportionate profit to the capitals of the different traders would prevent a competition dangerous and destructive to the inferior shop-keepers; and that the natural disposition of all traders to endeavour at a competition, where it could be done consistently with that principle, would prevent a too exorbitant compensation from being raised upon the public. It had been argued, that the rent of the house was not a fair criterion to judge of the degree of trade carried on by each individual; but it was the fairest method by which it could be ascertained; for if one shop-keeper paid 30*l.* a year for a house of equal dimensions with that for which another, in a less advantageous situation, paid only 20*l.*, they acted so certainly either with a view of selling more articles, or of getting a higher price for those they did sell: if the trader sold more, then certainly his shop, independent of the house, was, in fact, more valuable, and of course more an object of taxation; but if he sold at a higher rate, then certainly it could not be contended but that there was a possibility for a tradesman to indemnify himself for any extraordinary expense he might be at by an advance of

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his prices; and he would not suppose that any gentleman would attempt to argue, that a tradesman could apportion the sum of 10*l.* to be made up by an advance of price on his trade, and yet be at a loss to indemnify himself for a tax infinitely less, and which bore a proportion decidedly in favour of the inferior dealer. It was worthy of observation, how the native force of reason, in some instances, without self-consciousness, got the better of prejudice. An hon. alderman had stated it as impossible for any trader to indemnify himself for a tax, by raising the price of his commodities; but still the hon. alderman, on a subject in which his particular passion and interests were not engaged, had shewn, in the course of the evening, that he was not in reality so ignorant of the operations of taxation as he had pretended; for when, in a former debate, it had been suggested, that, by imposing a tax of 10*s.* per ton on Dutch fishing vessels, the city of London might be deprived of her supply of a certain favourite article, the hon. alderman had answered the objection by observing, that there was no danger of the market being deserted; for if our own fishermen did not supply it sufficiently, the Dutch would, notwithstanding the duty, bring in their turbot, and indemnify themselves for the additional 10*s.* per ton impost by adding it to the price of the fish. Such an argument was the more singular, as it was made on the very eve of a debate in which the hon. member, no doubt, was prepared to hold one of a directly contradictory nature. An hon. gentleman had observed, that we had now experience instead of theory, and evidence instead of assertion, to convince us of the injustice of the tax: but as to experience, we had as yet had none, for the tax had been paid but in a very few instances; and besides, we could not expect to find the event of such a subject completely fulfilled until time should have suffered the trade affected by the tax to have subsided to its level. As to the evidence produced, it was in fact nothing but assertion, and the assertion of men labouring under strong prejudices; so that, upon the whole, he could see no reason for agreeing to the motion for a total repeal, however it might become proper to mitigate the tax in some instances.

This brought him to a second class of objections, which was the heavy burthen it imposed upon persons absolutely incapable, and on others not very well qualified to bear it. From motives of compassion to persons whom he should wish to protect and cherish as a very deserving part of the community, he was extremely willing entirely to remit the tax to such as were so poor as to be excused the payment of parish rates; and those who came next to them in their title to pity, and, though not quite so indigent, were nearly unable to pay it: such should, with his consent, be considerably eased. Those persons must be ascertained by their rents being under 20 or 25*l.* Thus the very poorest class would become wholly exonerated, and that immediately above it materially relieved. But in consenting to this, he was directed solely by motives of humanity, and not by any considerations of the impropriety of the principle of the Bill, which he continued to approve, notwithstanding all the efforts which had been made to depreciate it. If he could be convinced that the tax were really objectionable, he would most cheerfully acquiesce in its repeal; and he supposed there was no gentleman who would hesitate to comply with the wishes of the inhabitants of the city in which they all lived. For his own part, he declared that he would by no means resist their desires merely because the measure was originally of his own framing; and he was happy to say, that if gentlemen should really think the tax either oppressive or unjust, that the situation of the public finances was not such as could afford them any excuse for persisting in it; but he flattered himself that he was not so far mistaken in his opinion of the generosity and spirit of his countrymen, as that the relief which he was ready to grant to the more indigent part of them would not give ample satisfaction to the more opulent, and make them cheerfully acquiesce in the burthen. But he begged leave to warn the House against a too ready compliance with a requisition for the repeal of a tax, as it might form a precedent to endanger every branch of the revenue; for it was difficult to find any tax, against which plausible exceptions might not be made. On the subject of the proposed modifications he should say little, because if the House agreed to the total repeal, it would prove useless; and if they did not, the modifications and exemptions would become sufficient. It had been proposed to value the shops at one third of the rent of the House; but this would answer no

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end towards regulating the tax; because the proportional value according to that estimate, would still be uniform. As to the allowing shop-keepers interest for their book debts, he thought, in some points of view, it would prove desirable, and he would willingly comply with it; but he apprehended it was what the traders themselves did not wish for. A worthy alderman felt warmly under the impression of the prejudice which obviously possessed his mind; but if the positions which he had laid down were admitted, as to what was not a fair principle of taxation, nine tenths of our revenue must be given up as built upon an erroneous principle. Mr. Pitt said, that the important duties of his station should never, for a moment, lose their first ascendancy in his recollection, and that he should regard all marks of popular applause as merely personal considerations, and therefore not worthy to weigh a single feather in the scale against his efforts to procure, on grounds of unexceptionable justice, advantages for the revenue.

Mr. *Fox* said, that the right hon. gentleman might rest assured that he admitted without even the slightest exception, the justice of his arguments in favour of the necessity of perpetually endeavouring to introduce, whatever may tend to improve the national revenue, and of refusing—unless the most unanswerable reasons could justify a contrary procedure—to relinquish a tax, from the produce of which a considerable sum may be looked for. So fully was he persuaded that his sentiment became not only every minister, but every member of that House, and so deeply was he, at the same time, convinced, that, in matters of taxation, the unpopularity of any particular impost ought not to be the reason for its being abandoned, that much as he professed of respect for his constituents of Westminster, and still more, as he felt of regard and reverence for those whom he considered as his first constituents, the people at large, whose interests he held himself bound to watch over, and, as far as in him lay, to protect, and defend within those walls; yet, notwithstanding the numerous petitions on the table, and notwithstanding the instructions which he had received from those whom he immediately represented, and their known wishes, he made no scruple to declare, that he would have supported the right hon. gentleman in resisting a motion for the repeal of the shop tax, had he not been fully convinced that the tax was radically bad; that it was founded in the grossest partiality and injustice; and that no modification whatever, much less the sort of modification proposed by the right hon. gentleman, could cure its defects, or render it fit to be endured. The motion for its repeal should, therefore, have his firm support, and in giving his vote for a repeal of the act *in toto*, he hoped he should not be considered as an enemy to the revenue. When the tax had been originally proposed, he objected to it, and then declared, that, though the right hon. gentleman chose to call it a shop tax, it was in fact an additional house tax, partially applied to houses, of which shops made a part. That was, undoubtedly the state of the case, and consequently it was not the first, but the second shop tax; for the tax on houses had operated partially, and to the disadvantage of shop-keepers; inasmuch as shop-keepers, compared to all other descriptions of house-holders, paid by far the highest rents of any persons in the kingdom. To lay a new burthen on the shoulders of that description of people, who were too heavily burthened before, was oppressive and unjust; and that, therefore, were there no other, was a strong reason, and indeed it ought to operate as an unanswerable one with the committee, for agreeing to the motion for a repeal of the act.

The right hon. gentleman had put the case, if houses were to rise in rent considerably all over the kingdom some years hence, what would then be the situation of shop-keepers, and would they have any reason to complain that they paid higher rents than they did at present? If the right hon. gentleman meant merely, that if money grew cheaper, and all sorts of property fetched a larger proportion of money in price proportionably, in that case, things would just remain in the situation in which they stood at present; but if the right hon. gentleman meant (and so indeed he must mean, if he meant any thing) that the houses of shop-keepers only were at any given period to be raised in their rents all over the kingdom, he had then very fairly described the additional tax in question, because that tax operating upon shop-keepers only, did what the right hon. gentleman had stated: it raised the rents and swelled the capitals of shop-keepers' houses all over the kingdom, at the same time that it raised the rents of no other houses. How extreme was the

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injustice of selecting that useful body of people, the shop-keepers, as objects not only of separate and distinct, but oppressive and unjust taxation. With regard to the two points which the right hon. gentleman had laboured so much to establish, namely, that the tax was not personal, and that it might be laid on the consumer by the shop-keeper who paid it in the first instance, both those positions must he deny in the most unequivocal manner, and declare that the tax was a direct personal tax on the shop-keeper, and that it was utterly impossible for him to repay himself by laying it on the consumer, without putting the public not merely to five times the charge of it, (as an hon. member near him had stated to have been the case in regard to the duty imposed on wine some years since,) but to forty, or perhaps one hundred times the charge. On this occasion, he must beg leave to remind the committee, that nothing could be more easy than to ascertain exactly to what the sum of additional duty per hogshead upon wine came, and what would prove the amount of that duty when divided into gallons, and from gallons into bottles. If, then, in a case so easy, obvious, and intelligible, the retail dealer had barefacedly charged the public five times as much for every bottle as he paid to the Exchequer, what an advantage must not be unavoidably made where the distribution of the tax was privately laid on a variety of small articles! In fact, the consumer, if he paid the tax at all, must imperceptibly and insensibly, even to the shop-keeper, pay it over and over and over again; but he defied the right hon. gentleman to prove that any shop-keeper either had, or could charge it to the consumer. Being, therefore, undoubtedly a personal tax, he should advise the right hon. gentleman, in this instance at least, to give way, and offer some tax, less exceptionable, in its stead. In short, the tax was so radically bad, that no modification could cure its defects.

The right hon. gentleman, in the greater part of his argument, had endeavoured to prove that the tax was not personal, and that it must find its level and fall on the consumer. If this were true, what was there to recommend his modifications? The right hon. gentleman had stated that he would take off and modify the portion of the tax to be paid by all shop-keepers who lived in houses at less rents than 20 and 25*l*., which would considerably lighten the load, and exonerate the shop-keeper. Would it? Of what would it exonerate him? Of the money paid by the consumer! For if the consumer was to pay the whole of the tax, the consumer would be exonerated by the modification proposed, and not the shop-keeper. In like manner, the generous and compassionate bounty of the right hon. gentleman, in fact, amounted to nothing; because if the consumer really paid the tax, the poor shop-keeper, who was not to pay towards the tax, if he was excused the payment of parochial taxes, was excused from paying that which, according to the right hon. gentleman's argument, was to come out of the pocket of another. The right hon. gentleman had thought proper to hazard the remark, that the tax would, no doubt, find its level; but that the shop-keepers had not yet found out how to make its distribution. This was an extraordinary thing to say of men, the daily business of whose lives was to lay out large sums to purchase articles in the gross, and to draw back and collect the sums so expended by a multitude of minute profits. How strange and idle to impute the sort of ignorance in question to those men, who, of all others, were most in the habits of making such a distribution as that which it had been said they had not discovered how to make! In fact, the laying the tax on the consumer at all was impossible. Upon this occasion he should instance his own receipt-tax, which every body knew was to this day paid by the person who received the money, although he had a legal right to oblige the person paying it to pay for the receipt. Mr. Fox declared, that though he did not pretend to be above popularity, but, on the contrary, was shocked and affected when it fell to his lot to become unpopular, yet he would, at all times, in spite of unpopularity, stand up an advocate for a tax after it was once proposed, unless, as in the present instance, he thought the tax radically bad, and unfit to remain unrepealed. The present tax was a personal tax, and at the same time partook of the nature of a tax on the consumer in the worst manner, because it left the power of distribution solely at the discretion of the shop-keeper, and, what was more exceptionable, to be by him secretly exercised. The requisite to make a personal tax palatable was, to lay it so that its operation should be general, if not universal. The servants tax was an unexceptionable personal tax, but, he feared, ill collected. The argument of a worthy

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alderman was certainly well grounded in regard to the principle of taxation, though it went a great way farther than he was ready to go upon the subject; but the right hon. gentleman, he thought, went much farther himself, when he had asserted that nine-tenths of the revenue depended upon taxes raised upon the principle which the hon. alderman had reprobated; —the principle of imposing mere personal taxes, and those such as did not affect themselves. Whenever taxes were under consideration, one material defect in the construction of that House manifested itself, and that was, that the city of London, which paid in general so large a share of all the taxes, had not a greater proportion of representatives to secure it its due weight in determining of what taxes should consist. The right hon. gentleman, notwithstanding, deserved a tribute of applause for such modifications as he intended to introduce; and, for his own part, having a total aversion to the whole of the Bill, he should be glad to discover that, with the aid of the right hon. gentleman, some portion of it might become repealed, if it were vain to hope to see it actually thrown out of parliament. An event of this last desirable and happy nature would rescue the shop-keepers of London and Westminster from the burthen of an almost intolerable grievance. Anxious to emancipate them from such unmerited oppression, he felt it a duty which, upon the present occasion, he should most cheerfully fulfil, to vote in favour of the motion for an absolute repeal of the Act passed during the course of the preceding session.

Sir *G. P. Turner* declared, that he had last year voted for the tax conscientiously, but that he should now vote for its repeal, as the Act was partial, in not including wholesale dealers.

Mr. Alderman *Watson* said, he rose not to call upon the compassionate feelings of the House, but upon its justice, to which the shop-keepers of London and Westminster had submissively appealed. An hon. baronet had observed, that he was against the tax being repealed, as the shop-keepers had entered into a combination to defeat the receipt-tax. This he was glad to hear, because it put the matter on its true ground. It seemed, then, that the House had voted the tax on a principle of vindictiveness, and in order to punish the shop-keepers of London for having dared to disapprove of a former tax.

Mr. Alderman *Townshend* said, that the tax had been from the first called an unjust and oppressive tax; assertion was now evidence; the right hon. gentleman had originally opened it as a tax of a personal nature, and had, at the same time, talked of abolishing hawkers and pedlars, as a compensation to the shop-keepers; but it was clear that the abolishing hawkers and pedlars would have been no compensation to the shop-keepers of London and Westminster. This idea, in that form, was consequently unjust, because the tax operated oppressively chiefly in the metropolis, and there no compensation existed at all. The idea, however, was afterwards changed, and instead of hawkers and pedlars being abolished, the doctrine that the shop-tax would be paid by the consumer was taken up and maintained. The tax, therefore, had been introduced upon a fallacious principle, and on that ground of objection, were there no other, it ought to be repealed. In order to prove how ill founded the doctrine was, that the shop-tax was a tax on consumption, he must remind the House of the increase of the land-tax, and ask if any gentleman could give an instance that a load of hay, of corn, or of straw, had fetched more on account of the increase of the land-tax? In like manner, if a gentleman raised the rent of his farm, and the farmer brought a load of the produce to market, would he not be laughed at if he were to demand an inordinate price, and to allege as a reason for so doing that he paid a high rent? Every person knew that the farmer must, in that case, be governed in his demand by the fair average and ordinary market price of the day. With respect to wool and cloth, could a dealer in either get more for his wool per tod, or his cloth per yard, on the idea of his paying an increased rent? He would give the right hon. gentleman warning, in time, of his danger: if the tax were not repealed, he could have no conception of the extreme odium which he would incur throughout the kingdom. Its partiality was intolerable. What must the petty cheesemonger in Bishopsgate-street, who lived next door to Mr. Long's, and could scarcely afford to live on his own cheese-parings, think, when he daily saw Mr. Long drive out, lolling in his coach at his ease, and knew that he did not pay a penny towards the shop-tax, though he was forced to contribute to it himself?

Mr. *Grigsby* said, that, old-fashioned as

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the custom appeared, he was determined to obey the instructions of his constituents: he rose, therefore, to declare, that he had consulted them, and that, upon meeting the shop-keepers of the two largest towns in the county of Suffolk, they were generally satisfied with the tax, and declared, that if it were extended to other descriptions of traders, such as warehousemen and bankers, they should become still more satisfied.

Sir *Richard Hill* said, that he presented a petition, praying for a repeal of the Act, from the county of Salop, and that he had come down determined to vote for the repeal; but the modifications the right hon. gentleman had proposed would, he had no doubt, reconcile the shop-keepers of Shrewsbury, and indeed of every town in the county, to the tax. He, therefore, should vote against the repeal.

Mr. *Macnamara* said, that he had, in like manner, received instructions from his constituents to vote for the repeal; but he believed, that had they been aware of the proposed modifications, they would have gladly accepted of the tax upon those terms. He should therefore vote against the repeal.

The committee now divided: Yeas, 93; Noes, 176. Mr. Pitt then moved for leave to bring in a Bill to explain and amend the said Act; which was agreed to.

Mr. Burke's Motion for Papers relative to the Conduct of Mr. Hastings.] March 3. Mr. *Burke* begged leave to submit to the most serious attention of the House, the subject of motions which had been made for papers relative to particular transactions in the East Indies. Upon this occasion, he considered it as his duty earnestly to repeat, that these motions were unavoidably requisite for the acquisition of papers which belonged to the whole body of charges, and without which it would prove impossible to go fully and fairly into the investigation of this important matter; he trusted, therefore, that no objection would arise against their being granted. He should make three motions, all, in a great measure, connected with each other. They went to the treaty of peace with the Mahrattas, and were for the purpose of bringing into evidence proofs requisite to establish the charges against Mr. Hastings in that particular transaction. His first motion was, "That there be laid before this House, copies or duplicates of all papers relative to the last peace with the Mahrattas, or any demand made by the Mahrattas, concerning the cession or restoration of any territories now in the possession of the Company, or its allies, or of the payment of any chout (or fourth part of the revenues), or of any sum in lieu thereof, or concerning any payment of money, or loan, to any of the said Mahrattas, made or paid since the 1st of January, 1779."

Mr. *Dundas* remarked, that as the contents of the papers moved for, must, if rendered public, occasion that matter to transpire which ought, from motives of policy, to remain a secret to all the powers of the East Indies, he was determined steadily to oppose so dangerous a proposition. All this resistance was due from him, in consequence of his attachment to the interests of his country. He should take the liberty to aver, that the late peace in India had never become the object of complaint, but merited every man's applause. The benefits arising from it were great. It was, in fact, the salvation of the British empire in Asia. That peace broke one of the most powerful confederacies ever formed against our possessions there; and had it not been concluded in the manner in which Mr. Hastings so happily effected it, our power in that part of the world must certainly have experienced its total dissolution. The plans under which this happy event was effected were extremely improper to be made public, because they led to discoveries of the means by which the different confederate powers were rendered jealous of each other; to the intrigues by which the Rajahs were induced to dissolve their league against the British empire; and they would bring out secrets of infidelity which must tend to do the most material injuries to our interests. It was impossible to separate the motion so as to effect the purpose which it sought, without incurring the evils which he foresaw, and therefore he should not comply with its terms.

Mr. *Montagu* said, that his right hon. friend had come forward as a determined accuser, and the charges which he made contained neither light nor novel matter. The subject had been discussed for a number of years, and before many committees. The right hon. gentleman's abilities shone with more than common splendour in the business; his diligence and attention were unwearied. But, notwithstanding this perseverance and these virtues, he much feared, that, like many

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other great persons, he must trust to posterity, for the benefit of his labours; for there seemed little probability of bringing this point to issue in his life-time. As to the danger arising from the disclosure of the circumstances of the Mahratta peace, he really saw it not in the light in which it was attempted to be placed by the right hon. and learned gentleman. He hardly could perceive how the mixed government of the Indian princes should enter into the detail of the parliamentary proceedings in England. If the papers were refused, there was an end put to all inquiry. What was to become of justice, if the strong hand of the minister was raised on such occasions against the attainment of equity? He was determined to give the motion of his right hon. friend his support.

Mr. *Burke* contended, that the objections of the right hon. gentleman went not only to the first motion, but strongly and directly to the other two; and he was the more surprised at this opposition, when he contrasted his conduct in 1782 with his proceedings in 1786. The amazing change of opinion on the same subject carried to the mind a kind of astonishment, that, in so short a time, so great a difference of sentiment could become effected. As to the arguments used by the right hon. gentleman, they went to this—that the papers could not be granted, because they would prove how and in what manner the different powers in India had been sacrificed to each other. These were not indeed the exact words, but they constituted the meaning to the full extent. Thus extraordinary was the cause assigned for endeavouring to prevent the papers from appearing on the table of the House; but if the reasoning of the right hon. gentleman had any force, it struck down his strange position, that the papers ought not to be produced at all. If the right hon. gentleman meant to do Mr. Hastings a service in refusing to let these papers be laid on the table, he should have begun with establishing that there was no guilt in the transactions; that our allies were not betrayed; and that our engagements had all been fulfilled with the princes who had so strongly charged us with breaking them. It happened rather unfortunately for the right hon. gentleman, that his own words were the strongest testimony against his arguments. It had been urged on a former day, that if the present inquiry was to seek after crimes, the papers could not be granted; but that if a direct charge was made, there should not be any objection. That specific charge was now brought forward: it was committed in detail to writing; and if the right hon. gentleman wished to hear it, it should be read to him. Indeed, great part of it must be in the right hon. gentleman's recollection, if he turned to the report of that committee in which he once was so active a member; but little notice should be taken of what those people say who so easily forget. The matter, however, was of too serious a nature to be dropped. It should be brought forward, if there was a possibility of obtaining justice in parliament. Indeed the present objection to the motion for necessary papers carried with it an ill omen, and portended, that, in all matters of state, it would be impossible to bring high delinquents to an impartial trial, when ministers put a negative upon the evidence that was necessary to that purpose. As to the excuse which the right hon. gentleman made of the Mahratta peace being so salutary, and so honourable, he denied the justice of the assertion, and declared that it was the direct contrary. It was to prove this, and to bring the charge directly home to Mr. Hastings, that the present motion was made. The charge was of a political nature: the crimes were political; and therefore the politics of both countries were involved in the event. The objection of betraying politics was, therefore, frivolous, because the whole being of a political nature, it was impossible to come to the matter of fact without a knowledge of those very politics which it seemed to be the intention of ministers to conceal. As to the defence of, or rather the panegyric on, the conduct of Mr. Hastings, he should refer the right hon. gentleman to the 44 resolutions which he moved against that very Mr. Hastings. Six of those resolutions were now violated by the opposition of the very gentleman who proposed them, and without any other argument to support the change of opinion than the very curious one, that Mr. Hastings had made a good peace. What had the peace to do with the antecedent crimes? The right hon. gentleman stood pledged to do that which he now declared to be unsafe. What did all this amount to? What must the world think of the business? That we were a nation of thieves and robbers, afraid of inquiries

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into facts, and therefore stopping the progress of investigation, lest we might impeach each other, and the truth come out. It was, in a narrower point of view, laying the crimes of the individual upon the shoulders of Parliament, and making the House of Commons answerable for that which alone belonged to Mr. Hastings. If the right hon. gentleman meant really to be serious, it was his duty to step forward, and not only to assign indubitable reasons why the disclosure of the particulars respecting the Mahratta peace would give umbrage to the foreign powers, but unanswerably to prove that the resolutions were in the least likely to force the Government into the disgraceful act of betraying secrets which ought for ever to remain inviolable. The infidelity which the conclusion of the Mahratta war exemplified to our allies, the breach of treaties, and the forfeiture of solemn promises, were a part of the great charge against Mr. Hastings: but it would be impossible to substantiate that part, if Government withheld the evidence. He specifically charged Mr. Hastings with having betrayed the allies of this country, and with having given them up. The Mahratta peace contained perfidy, and was fraught with ingratitude and cruelty to those who ought to have been sheltered and protected by us. The difference between him and the right hon. gentleman was this:—He brought accusation—the right hon. gentleman pronounced a panegyric: the one advanced his charge upon proof—the other fled from it. There were three parties in this business. The House stood as the accuser, Mr. Hastings as the accused, and a party was neuter. This latter was the Minister. The prosecutor is in possession of the facts; but then there is a necessary evidence to testify to the truth of these facts, and that evidence is in possession of the neuter party, which neuter party being determined to keep it back, the consequence must be the acquittal of the culprit. In respect to the danger which was to arise from making public these papers, if a negative proof to the contrary was allowed, he could fairly bring it home to the understanding of any gentleman, that no danger could possibly arise more than had already happened. This is not a manœuvre respecting the Mahratta peace, of which the powers in India are not already in complete possession; and the consequence is, that they have already combined against this country for the purpose of extirpating the British power in Asia. The sovereigns there are as well informed as any sovereigns in Europe: they have their intelligence regularly; they have their newspapers and their news-writers, and the best and most authentic intelligence of all the powers both in Europe and in India. The circumstance of the treachery used to the rajah of Gohud, of the breach of treaty with that unhappy prince, now driven from his territories, and a wanderer in the East, are well known—too well known to be concealed: that poor fugitive now holds up his hands, and implores the British Parliament; he adjures them by their own consistency, by the faith of treaties, by the honour of their nation, to do him justice, to fulfil their promises, and to punish the man who caused that honour to be sacrificed, that faith of nations to be broken. There was one thing which he wished the House to consider; that the disaffections in India, by our breach of promise, and by other unpardonable crimes committed under the authority of the late governor-general, might, and, no doubt would, induce France to take an advantage of the most pernicious consequence to our Eastern possessions. As to the concealment of transactions respecting the Mahratta peace, he should take the liberty to observe, that if they were to be a secret, they were only to be a secret to the House of Commons. The world was already in full possession of every matter which the right hon. gentleman with such caution wished to conceal; and if the House did not grant the papers now asked, they shut the door against the truth, and against a principal truth, which led to the most material evidence. The consistency of the right hon. gentleman throughout the whole of the transaction was admirable. He first, in the strongest terms which words could convey, reprobates the whole government of Mr. Hastings: then, on a change of politics, comes with a set-off against that which he reprobated. The set-off was a panegyric on the Mahratta peace. He must beg, therefore, to bring to the right hon. gentleman's memory that to which he had then agreed to: it was in No. 20, in the Appendix to the Tenth Report. As to the ranna of Gohud, it was clear that in the treaty it was meant to desert him, although the promise of support was held out. The words were, "as long as he behaves with propriety;" and out of that

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prolific root constructions shooted forth, which were his ruin: constructions which were a complete defeazance of treaty—a defeazance which proved that he was sacrificed—that he was given up—that he was betrayed under the security of a British promise. This conduct, he insisted, was such as disgraced us with the whole world. The eyes of Europe were upon us in the present proceedings. The conduct of Mr. Hastings was well known, and justice, exemplary justice, was expected. What, then, would be the remarks of all mankind, when they heard that the evidence, in the possession of Government, to bring that state criminal to justice, was withheld, because, forsooth, it would publish that which was already public; because it would make known that which was already no secret; because it would discover to the powers in India that system of politics with which they are already well acquainted. If, on the present occasion, the members of Administration and their adherents should prevent the success of the motion, all the world would, with reason, consider the name and character of a British Parliament as buried under indelible disgrace. In short, if the present motions were not granted, the refusal would disgrace the British Parliament with the whole world.

Mr. *Fox* rose, and desired to be favoured with a serious answer to his necessary question, Whether the professions of a determination to persist in a refusal of the papers were actually sincere? Surely there was nothing in the rule of conduct which the gentlemen of the other side laid down for themselves that did not argue most powerfully and convincingly for their production. If a specific purpose was necessary to be mentioned, and the object of the motion requisite to be explained, there was a pointed and specific charge in the treatment of the ranna of Gohud, who was allowed, and indeed mentioned in former treaties, as the ally and friend of Great Britain, and neglected in the general peace which terminated the Mahratta war. This was the fact, as it appeared uncontradicted; and the House ought surely to inquire whether such desertion of the friends of this country was justifiable in the governor-general. To withhold any information on this subject would be not only unjust to Mr. Hastings, who was accused, but indecent to the House, whose honour was so much concerned in the full and rigorous examination of such a conduct. There was no behaviour whatever which would operate more injuriously to the British interest, either in this or any other quarter, than to find that its friendship was no protection to its allies. An unwarranted desertion, if such it could be proved, must certainly be considered as a great misdemeanor; and nothing was more necessary either to the character or vindication of the person accused than to explain the grounds on which he was justified. There might possibly exist a plea of necessity for this proceeding, and, for the present moment, he would admit that it did exist. But when there was a certain assurance, the allies and defendants of Great Britain had been abandoned by her in a negociation, there was a crime *primâ facie* evident; and the proceedings in that negociation should certainly be laid before the House, in order to convince them of that necessity. It would be very unfair, and indeed very improper, if gentlemen should have these feelings barely when their own honour or their own characters were a stake, and seem wholly unconscious of them, when the question was against the character of others. Thus the ministers of the time, when the late peace was concluded, knew the defection from the loyalists to be a conduct so much in need of justification, that they very decently came down to the House, in order to excuse themselves on the ground of necessity. Whether such necessity existed, it was not for him to discuss; but the means of inquiry on the subject were undoubtedly open. Why not, then, pursue the same line of conduct on the present occasion, when positive and direct charges were brought against the measure? If motives of necessity recommended the treachery, why was that necessity not explained? And if principles of policy dictated the conduct, why was not that policy made known? It was, indeed, alleged, that the interests of the country might be endangered by the disclosure which the papers would make; but in our constitution there were both advantages and defects, and the same must also be true of every other constitution and species of government. We, however, were of opinion, that the advantages which we constitutionally possessed by far outbalanced the disadvantages; and it was one of the leading principles, to prefer the responsibility which belonged to our officers and ministers to the secresy which was deemed so necessary in other countries.

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Supposing, then, (for he was far from admitting it), that some injury might be apprehended from the production of these papers, it was only the necessary consequence to which every investigation was liable; and there could be no inquiry of a public nature, in which circumstances did not come out which might better have remained a secret. The House, then, would do well to reflect what a precedent they were laying down, for all future public officers to take advantage of. For if this excuse should once be admitted, there was no circumstance, and no situation, to which it would not be found to apply. A right hon. gentleman had, on this, as well as a former night, endeavoured to play off the conduct of Mr. Hastings, posterior to the reports of the committee, against the delinquency of his former measure, to which the right hon. gentleman had borne such full and ample testimonies in the course of those reports. But what was the meaning of this language, or what other sentiment did it express but this? "I think his conduct since that period laudable and good, and I wish you to think so with me; but, in the mean time, I am resolved that you shall have no reason to think so beyond my assertion, and I will deny you the information which is necessary to convince you of it." Sufficient had been the remarks of his right hon. friend to prove, that not even the most trivial cause existed for those apprehensions of danger which gentlemen on the other side of the House, for reasons best known to themselves, thought proper to express; and therefore he trusted that the House would call for arguments less frivolous, before they gave their sanction to the withholding of the necessary papers.

Mr. *Pitt* remarked, that he could not avoid expressing his astonishment at the unmerited rigour experienced on this occasion by his right hon. friend, only because he had laid down a principle (apparently indispensable on similar occasions), that no vote should pass for the production of papers, unless their necessary application to a specific object were demonstrable beyond the power of dispute. The right hon. gentleman who took the lead in this prosecution, had acquitted himself with a degree of candour and openness which redounded much to his credit; but he certainly did not offer arguments of sufficient force to evince the necessity of producing these papers. Disposed as he was to act through the whole of the business with the utmost impartiality, he could see nothing in the conduct of Mr. Hastings respecting the Mahratta peace which did not deserve the highest commendation. He had indeed effected it by dissolving a league of the most powerful Indian princes which could possibly become confederates for our destruction; and he was astonished that any man, who had been a minister, and who might look forward to be a minister, could think of censuring so successful and glorious an achievement. When this country should, at any time, be threatened with, or engaged in a war with its natural enemies, was there any minister who, in opposing the House of Bourbon, would not think it the most meritorious of all services to be able to dissolve the family compact? and precisely in the same situation was Mr. Hastings respecting the Mahratta peace. He made it at a time when the continuance of war would have proved absolute and inevitable ruin, and he completed it with an address and ingenuity which did him immortal honour. He was not so conversant in Indian politics as the right hon. gentleman who spoke last, but he certainly considered this part of Mr. Hastings's conduct in that light which he just now mentioned. How far other charges might be substantiated against him, remained yet to be determined. It was certainly a point of justice that delinquents should be punished; but this should be done with the nicest regard to public safety. When sufficient ground of guilt was laid down, there was certainly a reason for laying aside those prudential maxims which, on slight and cursory accusations, should be most strictly adhered to. If the papers now called for were granted, there would of course ensue various discoveries which might have ruinous consequences to our officers in India. There were certainly means used to detach the different princes one from the other; but to discover the medium through which this policy operated, would destroy the future confidence in British politics, and the field of negociation which it was so essential to the prosperity of this country to enjoy; and it might not only be a bar to our future operations, but affect the situations of persons now in India, who were instrumental in bringing about that great object. A right hon. gentleman had attempted to prove that those proceedings could be no secret in India, because all intelligence of that kind was fully communicated in the Indian

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Gazette. In order to show the weakness of that argument, he would only remind him of that period when Mr. Fox went into office, when this country was labouring under the pressure of a war against combined and powerful foes. His policy at that time was to detach a part of that confederacy by offering separate terms to the Dutch, and, at the same time, proposing exclusive terms to the Americans. The attempt was certainly laudable, and, though unsuccessful, the right hon. gentleman had undoubtedly the merit of deserving well of his country. But would it, therefore, be just to assert that any country in Europe knew the particulars of these negociations, because there were gazettes in England and Holland? Certainly not. The right hon. gentleman had, however, strengthened his arguments by reasoning not only on the motion immediately before the House, but also on others which he intended to put. He should applaud such a conduct in general, as it would save much time, and be equally proper where the connexion between them was so intimate. But he would not admit him the full extent of his observations in accusing a right hon. gentleman of opposing all his motions, while he argued only on one particular subject. There was one of his motions which he certainly would not oppose, because there was laid a sufficient ground of inquiry; he meant that respecting the ranna of Gohud. However he might differ with him respecting the propriety of the ranna of Gohud being excluded from the peace, he certainly thought it a fair subject of interrogation. This man, he understood, previous to the Mahratta peace, had entered into a separate negociation with Moodhajee Scindia for himself, without the knowledge or concurrence of the governor-general of Bengal. After being detected in this act of infidelity, it was not strange that he should not be admitted to the benefit of a peace which was meant to serve the friends, and not the foes, of Great Britain. It was not against such a motion that his objections should ever be brought forward; and even with these ideas did he hold himself fully justified in positively resisting that motion, of which one consequence must be a disclosure of secrets which sound policy required us to preserve inviolable.

Mr. *Fox* said, that he felt it necessary to bring into clearer points of view some allusions started during the course of the debate, and even touched upon beyond the walls of parliament. These went to the subject of his negociation for a separate peace with Holland. He was well aware that the right hon. gentleman did not mention it by way of blame, nor did he wish to impute to him any such intention; but as it had so often been glanced at, he was glad to have the opportunity of speaking two or three words to it in this public manner. He was sorry that the House was so thin of members, but he was pleased to see so full a gallery. When this measure, of detaching Holland and America from the combination which was formed against us, was first proposed, he was only three days in office, and consequently was obliged to meet those people in the Cabinet from whom he was accustomed to differ upon political subjects; and yet—what was a circumstance that did not often happen—he had the honour to propose that measure with the unanimous concurrence of all his Majesty's cabinet ministers. This he thought himself at liberty to mention, because, though it might be improper to state the dissensions or disagreements in the Cabinet, there would certainly be no impropriety in mentioning their unanimity. He would farther observe, that this policy was by no means ineffectual as to some of its objects, though, in others, it certainly had not had the wished-for success; for those gentlemen who were then in office might well recollect, that the disposition of some Courts in Europe was not then extremely favourable to this country, and that the measure now alluded to had at least the effect of averting those consequences which might otherwise have been apprehended. Having said this much for the allusion, he would next return to the propriety of admitting the present papers. He observed, that it was expressed in the treaty subsisting between the Company and the ranna of Gohud, that he was to be protected by the powers of Great Britain against their mutual foes. In consequence of which, he had lent his services during the war, and was to have been of course included in the peace. There were also, according to Mr. Hastings's own letters, several other rajahs and princes who had the same, or similar, claims upon the protection of Great Britain; and yet it appeared from the Mahratta peace, that none of them were included in the provisions of it. This was not the time to argue from what motives, or upon what policy it was done. But the omission was

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primâ facie evidence of either treachery or guilt, to obviate, or to substantiate which, was the object of the present motion, and was, in his judgment, a debt claimed as well by the justice due to the sufferers in India, as to the dignity of Parliament, and the acquittal or condemnation of Mr. Hastings. He agreed with the right hon. gentleman, that it was not sufficient ground for the production of all papers, to say that one gentleman was the prosecutor, and would pledge himself to prove their application to the object in view. But, in the present case, the production of the papers could not be followed by any political peril whatever, and the strongest reasons existed in favour of the disclosure of their contents.

Mr. *Burke* remarked, that the Chancellor of the Exchequer, like a cautious warrior, instead of attacking the main body of the forces of his enemy, had remained satisfied with mere skirmishes and the pillaging of the stragglers in the rear. He had by no means asserted the Gazette informations to be that on which the princes of India most relied for information; but he contended, that so complete was their knowledge of every circumstance relative to that peace, that what was made secrets of in the House of Commons, were matters of notoriety in India, and had been published in most of their papers. But the source of their intelligence was such as could not fail them; for the most enormous sums were expended in procuring spies, even in official situations in our settlements; and, by comparing notes, they had fully discovered that treachery which our officers employed against them individually; the consequence of which was, that they had now formed a league of an offensive nature against our settlements, which would be most effectually opposed, by taking such measures here as would shew them that these offences, at least, were not to have the sanction of the Parliament of Great Britain. Mr. Burke expressed his hopes, that, as he had undertaken the arduous and disagreeable duty of moving certain resolutions which could lead the Commons of Great Britain into an effectual prosecution of the man whom they had before condemned, he should be allowed those papers which he deemed necessary for the purpose, as well as for the justice which we owed the miserable inhabitants of a desolated country, whose injuries he had never lost sight of, and in whose cause he would not relax his exertions. If, on the contrary, a majority should deprive him of the opportunity to gather up materials indispensably requisite for the complete substantiation of his charges, he must avail himself of scattered pieces, and try from these to stamp validity upon his accusations.

Mr. *Wilberforce* professed himself unacquainted with Indian politics, and would therefore confine himself to a recommendation to the Minister to be extremely cautious how he should suffer any papers to be produced which were likely to do injury to the state. The danger of producing those papers at a time so near the transaction of the peace, might have the most serious consequences to those who were concerned in the business, and who might perhaps be in confidential situations with those very princes whose secrets they might have revealed. He cautioned the House not to be led into any warmth from the circumstances which were liable to be mentioned on these occasions, requesting, at the same time, that the gentlemen on the other side would not persist in harassing ministers with a demand for papers which they knew could not be complied with.

Mr. *Burke* said, that the hon. gentleman had acted the part of a wise man in offering his advice, when he was certain it would be taken; but at the same time he might have spared his reproachful admonition to him, who had certainly no design of embarrassing ministers by his conduct. But he thought it no good omen to the cause, if papers of so simple and fair a nature were subjects of embarrassment to those in power.

Major *Scott* contended that the rajah of Gohud was not entitled to any provision in the peace then made. He also vindicated Mr. Hastings with regard to the omission of another rajah in the Mahratta peace, which was done at his own request. He then observed, that the difference now subsisting between Mr. Fox and Mr. Hastings was not greater than that which formerly prevailed between him and lord North; nor were his charges more severe against the one than against the other. In all the proceedings against Mr. Hastings, and amidst all the abuse poured out against him, he (major Scott) had never entertained the smallest apprehensions, nor ever made any overtures of accommodation. On the other hand, when the right hon. gentleman brought in his India Bill, an intimation was given, in a private con-

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versation which he had with a person of authority, that matters might be accommodated; and he made no doubt, had Mr. Hastings then come home, he would have heard nothing of all this calumny, and all these serious accusations.

Mr. *Fox* immediately rose and said, that, on a subject which concerned his honour and character, he would not hesitate a moment to offer himself again to the House. He would first premise, that at no period could he declare that offers were made to him, either by Mr. Hastings or his agents, in order to bring about an accommodation; for if there had, he would instantly have treated them with the most absolute and marked refusal. At the same time he would assert, upon his honour, that no proposal whatever was made to Mr. Hastings or his friends, with either his knowledge or his concurrence; and he was also certain that no such proposal ever came from any of his colleagues. So that whoever made, or even hinted at such an offer as coming from him, did it without the smallest shadow of authority. In private conversation with his friends it had been frequently suggested by them, that Mr. Hastings being a very powerful man, it might make the India Bill go down the easier, if the idea of prosecuting that gentleman was given up: but he had always resisted such advice; and, indeed, so determined was he to have the Governor-general brought to trial, that, in his opening speech on the India Bill, he had dwelt so much upon the mal-administration of Mr. Hastings, that many of the enemies to that Bill had objected to him, that there seemed to be no other remedy for the evils in India, than the recall of Mr. Hastings.

Major *Scott* still insisted that the proposal had been made to him; but as the gentleman from whom it came was not now present, he would wave all farther explanations until he saw him in his place.

The House divided on Mr. Burke's motion; Yeas, 44; Noes, 87.

March 6. Mr. Burke moved for the papers relative to Delhi, on which the order of the day had been moved during the preceding Friday.

Mr. *Dundas* said, that he would not mis-spend the time of the House by going again over those reasons which he had before so amply stated in detail; reasons inducing him to refuse his consent to those motions, which, if carried, would reveal secrets that policy required should be concealed. The motion was one of that description, and therefore he must object against it.

Mr. *Sheridan* complained of that manner of refusing material papers, without stating any specific reason for such refusal: but what he principally rose for, was to give the House an explanation of the charge, or rather insinuation, respecting him, which an hon. gentleman had advanced. When he heard of the matter on Friday evening, he had acted in the manner which he hoped they would think most proper for him to adopt under the circumstances of the case. He had since that had an interview with the person with whom he had talked upon the subject, and whom indeed he had commissioned to go to the hon. gentleman opposite, who he did not doubt would do him the justice fully to explain to the House, that he had been mistaken in his fact, having been satisfied by the gentleman in question that he was mistaken. In order to make the House more clearly understand what he meant, it would be necessary for him to state a little of some opinions, which he had ever reserved in his own mind, and did not intend to have stated, had not this business made it necessary. With regard to India affairs, he had thought there were but two lines of conduct to be pursued after those emphatic resolutions of the 28th of May, 1782, had been voted. The one was to recall Mr. Hastings immediately by the strong arm of Parliament, and punish him examplarily; the other, to bring in an India Bill, in which, on grounds of expediency, on account of the times not bearing so strong a measure, and the difference of opinion respecting it, no retrospect should be had, but all the clauses should look to the future. So thinking, when the India Bill of his right hon. friend was preparing, the latter measure appeared to him most expedient to be followed, more especially as the time for calling home Mr. Hastings, by act of parliament, was, in his mind, gone by, and therefore he had sent a friend to the hon. gentleman opposite to know whether Mr. Hastings would come home, if recalled. In the course of the conversation which he had with his friend, the intended India Bill was certainly mentioned, but merely as matter of conversation, and not as a proposition to the hon. gentleman. This was the true state of the case; there had not been the most distant idea of bartering

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with Mr. Hastings for his support of the India Bill.

Major *Scott* admitted that the gentleman whom he had seen originally on the business had confirmed, since Friday last, every syllable which the hon. gentleman had uttered; and he begged leave to thank him for so fair a statement of the transaction. He only differed from him in one particular: he had always conceived that the conversation about Mr. Fox's India Bill had been the principal, and the question as to whether Mr. Hastings would come home, or would erect the standard of rebellion in India, the accessary point and cause of the message to him. Most certainly the gentleman with whom he conversed had assured him it was not, and he was bound to think so now. But he would state to the House why it was natural for him to have thought so at the time, and the matter had very strongly impressed his mind in that way ever since. In the first place, he had no powers from Mr. Hastings to treat of his resignation, and he had stated as much at the India House three years ago, by reading a part of Mr. Hastings's instructions to him; and, as a farther proof that such had been the impression which he had received, he must beg leave to read from the Morning Chronicle the following paragraphs, and answers, which had appeared in it on the subject in 1783. [Here the hon. major read sundry paragraphs from the Morning Chronicle of the year 1783.] Doubtless neither the House nor the public were warranted to suppose that these paragraphs came from the hon. gentleman, but they certainly came from somewhere; and as they ran in the same style with Mr. Fox's speech on opening his India Bill, they certainly came from some friend of that gentleman.

Mr. *Fox* expressed great satisfaction that the matter had been so well cleared up, and repeated his assurance, that he never had entertained a thought of compromising with Mr. Hastings, as the speech which he made on opening his India Bill had sufficiently proved. It was likewise clear that he had been concerned in no treaty of the kind in question, or it would have been natural for him to have waited to have learnt how the treaty went on before he opened his Bill.

Mr. *Pitt* refused to comply with the motion, as tending to affect the policy of India, by opening the secrets of negociations in that country, which the peace and tranquillity of Hindostan rendered absolutely necessary should remain undivulged. Major Browne's letter he treated as the unauthenticated effusion of a chimerical projector, that might neither deserve the credit of the House, nor affect the character of Mr. Hastings.

Mr. *Burke* read part of major Browne's letter from Delhi, and of Mr. Hastings's letter from Lucknow, as a portion of his speech; and declared, that if the insinuation of an hon. gentleman had been true, and he had been deserted by his hon. friend and by all mankind, the great cause he was engaged in should not have been abandoned, but, even standing alone, he would have proceeded.

The House divided: Yeas, 34; Noes, 88.

A motion having been immediately afterwards made for a copy of a letter from major James Browne to Warren Hastings, esq. governor-general of Fort William, dated from Delhi, on the 30th of December 1783; and also copies of two letters from Warren Hastings, esq. to the Court of Directors of the East India Company, dated the 30th of April and 16th of June 1784."

Mr. *Fox* rose and remarked, that if the papers stated in the question were refused, there was an end of asking for papers, however material to the prosecution those papers might be, and however free from any imputation of being dangerous or likely to affect the policy of India. He could not believe, however, that his Majesty's minister would go the length of refusing the three letters in question. If he did, what a shameful fact would it establish! For would it not then appear in broad and striking colours, that a right hon. and learned gentleman had persuaded that House to vote a number of strong resolutions, to not one of which he meant that they should ever give force and efficacy? Of the papers now called for, the House could already perceive the tendency, since, in the preceding debate, they had heard the most material passages read and argued on. They must, therefore, be aware, that no harm whatever could arise from making them public: he and his friends had duplicates of them already in their possession, and were perfectly masters of their contents. In refusing to let them formally be laid upon the table, the other side of the House would stand without excuse. Mr. Fox contended that it was, in his mind, impossible that they should do so. If they

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did, and pleaded that their granting the papers would affect the policy of India, he must declare, that ever since he sat in Parliament, he never had witnessed so disgraceful a conduct. His comfort, nevertheless, would be, that, however the Minister might withstand every individual motion for papers, and prevent any thing like evidence from being obtained, and however he might rely on the power of his majorities in that House, there was another tribunal to which he must go for trial, the tribunal of the public, who would judge for themselves. The right hon. gentleman might be assured, that, though that House would rest content, the honour of the nation would not be satisfied, nor would the people be pleased at seeing their representatives act in a manner so disgraceful to themselves, and so foreign to the purposes of substantial justice. What a precious farce (exclaimed Mr. Fox) is daily acting within these walls! We see the friends of Mr. Hastings affecting to be eager that every paper called for should be granted: we see the King's ministers rising to declare that every thing that can properly be granted shall not be refused; we hear other gentlemen, who call themselves independent men, saying, 'by all means let the House know the whole, and be put into possession of every necessary species of information;' and yet we see the same men all of them dividing together to enforce a negative to a motion for such information, and we see them helping each other out with hints and whispers during the debate, and pointing to matters apposite to the argument on their side the question, in like manner as my right hon. friend and myself would assist each other when we are maintaining the same point and arguing for the same purpose.

Mr. *Pitt* said, he hoped he should not be thought less grounded in presuming to withstand the present motion, if he did not follow the right hon. gentleman's example, and make a speech full of angry words, delivered with all the vehemence of passionate expression. Notwithstanding what the right hon. gentleman had thrown out by way of threat, no menaces should intimidate him, or induce him to quit that line of conduct which he felt it to be his duty to pursue. The present motion he should reject, ... the majority of the House would support him in that rejection, when he informed them that it was neither more nor less than the same motion which the House had just decided against admitting, only put into another shape. The right hon. gentleman had misrepresented his arguments: he had not nakedly stated that the reason of his refusing his assent to the motion just negatived was because the papers then moved for would, if agreed to, affect the general policy of India, but because they would materially affect the policy of India, by leading to discover and make public certain secrets in the different negociations which had been carried on, the discovery of which would tend to disturb the tranquillity of that country, and lead to consequences highly injurious to the British interests in India. For the same reason, he must refuse his assent to the present motion.—The motion was negatived.

Debate on Mr. Francis's Motion for a Bill to explain and amend the East India Bill.] March 7. Mr. *Francis* rose and said:—Mr. Speaker; I rise to move for leave to bring in a Bill to explain and amend an Act passed in the year 1784, for the better regulation of the East India Company's affairs. I am deeply sensible, Sir, of the difficulty of the task I have undertaken. To move for the essential alteration of an act of the Legislature, against the sense of a majority of this House, and to encounter the abilities which were employed in framing it, and which are likely to be exerted in defending it, is not an attempt, to me at least, of inconsiderable magnitude. I can very truly assure you, Sir, that if I were not thoroughly convinced that what I propose to do is necessary to be done; if I did not think myself bound by a special duty to make the attempt, and if I were not conscious that my motives for making it were honest and upright, I should neither have the confidence to undertake such a labour, nor a degree of resolution sufficient to go through with it. The considerations which have called me to this duty will, I trust, support me in performing it. When I say that I have the sense of a majority of the House to encounter, I mean to pay the greatest tribute to their honour and to their justice; since I presume and expect that they will nevertheless hear me with indulgence; that they will listen to arguments opposed to ... sent impressions, and be led perhaps by the reflections which such arguments may suggest, to condemn and undo an act of their own.

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There is one preliminary word, including a solicitation, which I shall offer to the House, and particularly to the right hon. gentleman (Mr. Pitt) who brought in the Bill: it is, that they would separate and distinguish the substance of what I have to submit to their consideration from my manner of delivering it. That the right hon. gentleman himself, if, through the disorder and embarrassment with which I may speak, he can discover and collect the force and meaning of what I would express, and if that meaning should appear to him to deserve consideration, he will, in the first place, allow it due weight in his own mind; and then, if he should think fit to answer me, that he will give my arguments the advantage of his own expression, and encounter them in the armour with which he himself shall have invested them. However he may disregard personal invectives or personal attacks, he ought not to undervalue any efforts that are seriously employed in the discharge of a public duty. It is the condition, perhaps the burthen, of his station, to listen to all men with patience and attention, and to collect information wherever it can be found. Between the right hon. gentleman and me there is no competition; and if there were, it ought not to be decided by inequality of arms. In desiring the right hon. gentleman's assistance against himself, I certainly invite him to a conduct that will do him honour. There is but one thing more honourable to the human character; and that, I am not without hopes, may be the result of this day's debate. If, fortunately, from the reflections which I mean to submit to the House, the right hon. gentleman's own measure should stand condemned, or considerably impeached, in his own mind, I persuade myself that he will frankly acknowledge his conviction, and act upon it.

Before I enter upon the essential part of my task, there is an explanation to be stated to the House, external to the merits of the motion which I mean to make, yet materially connected with it. This explanation regards the time and circumstances in which I act. It is matter of public notoriety, though not regularly before the House, that the India Bill was received in India a year ago with great discontent, and that petitions against it were preparing to be sent over to be laid before Parliament. On one side, then, I may be suspected of a base intention to avail myself of the present temper of the discontented parties for some mischievous purpose, and on the other I may be charged with acting precipitately and unfairly to the petitioners themselves, in not waiting for their petition. To the first imputation I say, that my opposition to almost every part of the Bill, but particularly to the inquisition and judicature, was known and declared from the moment when it was introduced, and that I have invariably held the same language, and expressed the same sentiments concerning it. My objections to the measure were no way connected with my opinion of the reception it might meet with in India. Some gentlemen, who ought to have been better informed than it appears they were, took upon them to assure the House, that they had no doubt of its being perfectly well received there; they assured us it would be received with open arms. I will not deny, that, on my own principles, perhaps I might have been strictly bound to have moved for an alteration of this law in the course of last session; but I had reasons for not doing so, which I hope will be thought valid. The attention of the House was wholly engaged in the commercial arrangement with Ireland. The most exceptionable parts of the India Bill were not to begin to operate till a year or two afterwards; but, principally, I wished to give time for the sense of the House to cool upon its own act, and for the general judgment of the nation to be collected on the merits of the measure. With respect to any impression which the Bill may have made in India, or any measures taken there to obtain a repeal of it, I beg it may be understood that the business I am engaged in, and the part I take in it, stands wholly independent and unconnected with any thing said or done in India: that if the law, instead of being received as it has been, had been accepted by the parties immediately concerned in it as a benefit, I should not indeed have been so forward and officious as to wish to protect them against an inquisition and a trial which they were willing to submit to, or to restore them to rights which they were willing to relinquish; nevertheless I should have taken the same course I now take. I should equally have moved for an alteration of this law, that a precedent might not be established, either with or without their consent, dangerous to the constitution of this island, and to the rights and security of the community at large. To the second objection, I answer, that

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although I act independently of the petitioners, I am as much in earnest as they can be to promote the object of their petition. What I am going to do cannot injure, and may assist them. In the matter, I take for granted, we are agreed. In the matter I feel myself bound by considerations of duty here, which they are not equally concerned in. Next to the object itself, it is my wish, and shall be my endeavour, to accomplish it in a way most honourable to Parliament, and most consistent with its dignity—I mean by an appeal to the justice of Parliament, and to nothing but its justice. The object of the petitioners may be obtained, and the dignity of Parliament may be preserved together. For this latter purpose it is material, nay it is essential, that Parliament, in the revision of its own act, should proceed on its own motion without the influence of any external impulse whatsoever. On this subject I need not enlarge. The reflections that belong to it are obvious. There is one plea, however, which I must beg leave to enter in this place against all insinuations that have been, or may be, hazarded against my integrity in the part I take in these transactions; namely, that nothing said or done now in England, concerning this law, can affect the minds or influence the conduct of our fellow subjects in India. The law made its impression a twelvemonth ago. Whatever the consequences of that impression may be, they do not depend on any thing which can be stated now, or foretold concerning them, and which cannot reach India till many months hence. It is a common artifice for the real author of a misfortune to endeavour to shift the responsibility of his own measures from himself to the persons by whom those very measures were most strenuously resisted. By this sort of stratagem the foresight of an evil is converted into the cause of it, and the prophet is made answerable for the mischief he foretold. Former predictions on the present subject have already been fulfilled by events, which are themselves prophetic.

Having thus far cleared the ground and opened the way to my object, the first thing I shall attempt shall be to submit to the House a short distinct view of the law as it stands, comprehending the fundamental governing principles that constitute its essence, and the prominent features that form, if I may use such an expression, the countenance, the *vultus*, or general volition of the law. An explanation of this kind is the more necessary, because I know in some instances, and have reason to suspect it may be true in many, that this law has not been attentively read, nor hitherto very carefully considered; and I confess that I am not sorry to think so. If I thought the reverse were true, my hopes of success to-night would be considerably abated. As it is, I derive some encouragement from your neglect. Besides this, Sir, by beginning with a view of the principles, a minute examination into the detail of the Bill will, in a great degree, become unnecessary to my purpose. If these leading principles are such as the House, on a fair review of them, shall think it right to adhere to and confirm, it would answer no purpose of mine to show that there were mistakes or inconsistencies in the detail. Defects of that kind belong to all human institutions, and are easily corrected. On the other hand, if the principles of the law should, on a fair review of them, be reprobated by the House as false, absurd, and unconstitutional, the great and essential part of my task is accomplished. I shall have struck a decisive blow at the root of the tree. The body of it must fall and bring the branches to the ground. This law, Sir, obviously divides itself into three great departments, and is therefore to be considered generally under three points of view: first, the arrangement made for the distribution and establishment of power at home; secondly, the arrangement made for the government of the Company's affairs abroad; and finally, the institution of a special inquisition and of a new judicature in England, for the discovery and trial of offences committed in India. The first, I affirm, stands in direct contradiction to every rational principle of good government; the second stands in the same contradiction, not only to principles, but to experience; and the third introduces a capital and dangerous innovation into the criminal jurisprudence of this country, for no purpose of justice whatsoever, that might not have been equally, if not better, obtained by the judicatures that exist already. I state my propositions in terms of great reserve and moderation, compared with my opinion, and hope that I shall be able to prove much more than I affirm.

In the first place, Sir, I state it as a matter of fact, that, with respect to the governing power of the India Company in England, the constant and notorious complaint was, that the power of the court

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of directors was defective and insufficient to enforce obedience among their servants abroad, or to punish their disobedience. To remove this cause of complaint, and to supply this defect, recourse has been had at various times to the authority of the Legislature; and the professed object of every bill that has been offered to Parliament, for the better regulation of the Company's affairs, has been to strengthen the executive power of the Company; that is, of the court of directors, either by giving them additional powers, or by removing the impediments thrown in their way by the interposition of the court of proprietors, who did, in reality, divest the directors of all their power. Now, Sir, I admit that the general object of creating a power at home, sufficient to enforce and secure obedience abroad, was proper, wise, and necessary. Let us see what course the present law has taken to arrive at this just and necessary object. It leaves the ostensible power of the Company with the court of directors. By them all orders and instructions for the governments in India are to be prepared, and by them they are to be signed; by them also all appointments to the service are apparently to be made: thus far the fact, or the appearance of the fact, is consistent with the principle. I cannot admit a supposition that the Legislature entertained the least distrust of the integrity, or even of the wisdom, of the court of directors. I cannot suppose it possible that the Legislature, professing to interpose its power for the improvement of institutions, or the correction of abuses, should have continued the most delicate of all trusts, and the most important of all powers, namely, that of the executive government, in the very hand that was believed to have betrayed or abused it, or in any hand whatever that was deemed to be unequal to the performance of the duty. The law declares its confidence in the directors, since it continues, professedly at least, to vest in the direction an equal power to that they had before. The law clearly supposes them to have hitherto made a proper use of such power as far as they were able to exert it, and therefore professes to confirm and enlarge it; but, the moment you turn over the leaf, you will find that all the ideas and provisions are reversed: that the law assumes a new principle utterly incompatible with that on which any new power could properly be given to the directors, or any of their former power could properly be left in their hands. It abandons all idea of strength and vigour in the executive power. Instead of uniting that power in some one board, which could alone make it efficient, the law divides it between two boards, whose operations, from the particular nature of that division, cannot act vigorously, even when they act together; and when they counteract each other, must not only be feeble, but ridiculous. Power, in whatever manner it may be divided between different political persons, is generally impaired by a division; but the special division of it made by this Bill is more extraordinary than even the idea of dividing it at all. It places all the nominal power of the Company in one set of men, and all the real power in another. The power that appears to command, is itself commanded, and obedience is expected to the authority of men, whom the law itself declares to have no authority at all. If the Company's servants were disobedient in former times, when they knew that the orders they received were really the act of the persons who signed them, what are we to expect at present, when they know, because the law itself tells them so, that the directors are nothing but formal instruments in the hands of another board, and that they are obliged to put their signatures, not only to letters and instructions which they have not drawn up, but to letters and instructions drawn up in notorious contradiction to their declared sentiments? A more effectual contrivance to excite and irritate a spirit of disobedience could hardly have been thought of. What language will the servants hold now to their employers, but this in effect? "We were ready to have obeyed you; but we know that the orders we have received are not yours: we know that they are directly opposite to your sentiments." A more plausible pretence for disobedience cannot easily be imagined. Sir, I am not reasoning upon imaginary cases. The law has established two jurisdictions over the same object. We know that they have already clashed in one very important instance, and I have reason to believe that they continue to do so in many others. The very moment the directors began to act, the board of control began to counteract; and the directors, in the end, were forced to sign orders, against which they had previously protested.

The bad consequences of such a system

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are obvious in theory, and visible in fact. What good effects it has produced, and how it can possibly produce any, must be explained by those who approve of it. The burthen of that explanation makes no part of my undertaking. They who are of opinion that a double government, in which every apparent act of power of one hand is the real act of power of the other; in which the power that controls is itself controlled; in which the power that commands is itself commanded; in which the power that acts is known to act against its own sentiments; that such a government can be wise in theory, or efficient in practice, will support the present law as it stands, for I have stated nothing which the law itself does not most explicitly enact. They, on the contrary, who may think that a single ostensible government is better than a double one; that it provides better for the uses of power, and better fixes and secures a determinate responsibility to answer for the abuse of it, will join with me in affirming, that the executive power of the Company ought to be vested in one board, or in one set of men; and whether they prefer a court of directors, or any other form of government, they must equally concur in my conclusion, that this part of the present law defeats its purpose, if that purpose was to create a government, vigorous on one side, and responsible on the other; and that, as long as the present law is in force, the Company's affairs are under a government directly the reverse of what all governments ought to be, and the particular situation of their affairs most urgently demands.

I have stated that the defect, or grievance, at home, was want of power over the service abroad. If that proposition be true, it includes the supposition that the servants abroad abused the power with which they were entrusted, and were disobedient and refractory to that which the law had placed over them. There would have been no occasion to increase or strengthen the power at home, if it had not met with a resistance which it could not overcome; but I need not have recourse to any implication, however clear and obvious. Every bill that has been brought into Parliament on this subject takes the affirmative for granted, considers disobedience as a fact as well as a crime, and denounces various penalties against it. The present law declares, that the wilful disobeying, or the wilfully omitting to execute, the orders of the directors, shall be deemed, or be taken, as a misdemeanor at law, and punishable as such. Now, Sir, I would ask the right hon. gentleman, if such disobedience has existed, who are the persons most likely to have been guilty of it? In what persons was such disobedience most important in the instance, and most dangerous in the example? Undoubtedly, he will answer me, the persons in the highest trust and authority in India; they alone could disobey; they alone could execute and enforce the orders of the directors; they alone are answerable, not only for their own offences, but for every offence which they promoted by their participation, which they permitted by their negligence, or encouraged by their example. The conclusion from this reasoning unavoidably fixes the charge of disobedience upon the highest power, and the charge of breach of duty upon the highest trust established in India. It necessarily fixes both upon the governor-general and council of Bengal. No man, who knows any thing of India, will affirm, that if that council had been determined to do their duty themselves, they could not have compelled all the subordinate ranks of the service to follow their example. Sir, this very law fixes its eye upon the governor-general and council, and does, in effect, charge upon them, or the majority of them, all the capital offences which it reprobates and prohibits. What is the power in India that can pursue schemes of conquest and extension of dominion, but the governor-general and council of Bengal? What power can declare war, or commence hostilities, or enter into any treaty for making war, but the governor-general and council? The subordinate presidencies could have adopted no hostile measure of any kind which the superior council might not have instantly countermanded, if it was proposed; and arrested, if it was begun. There was no possibility that Madras or Bombay could carry on war, without the concurrence and assistance of Bengal. Besides that, they have no resources of their own; any member of each of those presidencies might have been removed by the governor-general and council, if he attempted it. In all the late wars, therefore, the governor-general and council must be considered as principals; but it is well known that, in all those questions, the council was not unanimous. The mea-

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sures which this act so expressly condemns were the acts of a majority; but even that majority was fictitious, since it consisted of the governor-general, and one member of the council, against the remaining two. In truth, the governor-general's casting voice decided every thing; for, although the council ought to have been composed of five persons, the unfortunate death of general Clavering threw the whole power of government into the hands of two persons, of whom one, by an unreserved concurrence of opinion, united his vote and authority in that of the other. Such was the gradual devolution of power in Bengal, until it ended in a point, until it vested in the governor-general alone, until it centered in effect in the person of Mr. Hastings. His colleague is to answer for the surrender of the power; but Mr. Hastings is especially answerable for the use that has been made of it. The fact is, that, under the government of a single person, armed with a really undivided power, which the constitution of the council never meant to give him, all those principles which the present law condemns and prohibits were brought into action, and produced all those effects which the present law professes to look back to with indignation, which it threatens hereafter to punish, or promises immediately to correct. From these premises it might naturally be expected, that the law, when it condemned certain acts, and reprobated certain principles, would have limited and restrained the power of those persons who had done such acts, and avowed such principles. For what reason the law should act on a conclusion opposite to its own premises, as in fact it has done, has never been accounted for. From the acknowledged abuse of power, the inference of this law is, that such power ought to be strengthened and increased. It states the experience of former abuses, and refuses to be guided by it. In the first place, it reduces the council from five persons to four; that is, it professes to strengthen by contracting it into fewer hands; and then, in order to unite the power of the whole council in the hand of one person, it entrusts the governor-general with the perpetual exercise of a casting voice as long as the council consists of an even number, and is equally divided; that is, it unites the power and divides the responsibility. One would think that they who had seen to what purposes the power of the casting voice had been applied, when it accidentally fell into the hands of a governor-general, would never have proposed to annex it in perpetuity to that office. But, taking the Bill on its own principles, and admitting that it might be right to give a constant predominant power to the governor-general, I affirm that this is the very worst way of giving it. That it does not give it with certainty, and that the framers of the law were afraid or ashamed to look their own principle in the face. If a governor-general ought to have such power, it ought to have been avowedly stated, and directly given; otherwise it may happen, that the power, which you say is necessary, may in fact never vest in the governor-general; at all events, his tenure of it is precarious; of course the measures of the government must fluctuate with every accident that gives or takes away the operation of the casting voice. By these observations, I am far from meaning to admit that the object is in any degree wiser than the mode. In my mind, the means are absurd, and the end is dangerous. I speak from long observation and experience, and with all the deliberation and conviction of which my understanding is capable, when I affirm, that, to unite all the powers of government in India in one person, would be a dangerous measure in one view of it, and a useless measure in every other. That it may be the cause of irretrievable mischief, and can answer no good purpose, which may not be more effectually accomplished by another course. I well know, Sir, that, at sight of any great distress, or mismanagement, or abuse in public affairs, the first idea that is apt to present itself to the mind is that of creating a dictator. When I say that this is the first idea that presents itself, I mean that it is not the result of experience and reflection. I will not argue upon the wisdom of such an institution in a political system, very different from ours. An arbitrary monarch, or a republic, may perhaps delegate all their power, for a limited time, to one person, with safety and effect. The dictator had power of life and death; and I will not undertake to deny, though I am far from meaning to admit, that a remedy of such violence, if it did not kill, might possibly cure. But remedies of this dangerous vigour are incompatible with our constitution. You cannot give the power; and, if you could, it would answer no good purpose. My proposition is, that, for

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every good purpose attainable under our constitution, a governor and council is a much stronger power than any that can be exercised by a single person. As to any man who may have demanded such power for personal purposes of his own, I treat him, as I suppose this House would instantly do—I lay him entirely out of the question. But let me suppose the case of a man of unquestionable honour and integrity, who should insist on being vested with exclusive powers, with an undoubted intention of making the best use of them. To him I would say, "Sir, the confidence which you seem to repose in your judgment does not entitle you to mine. I know, from experience, that cases occur in the government of India, in which the advice and control of a council are not only useful, but necessary, and in which the most prudent governor will be the readiest to take advice. A wise governor will not only take advice, but he will be glad to have the constant check and inspection of a council over his actions. No man, whose intentions are upright, will feel himself fettered, or distressed by such advice and inspection.

But it will be said that the plans and views of a governor-general, however proper and judicious, may be thwarted and defeated by factious opposition, and by divisions in the council. To this I say, that, *primâ facie*, a governor is just as likely to be a factious man, and to have bad intentions, as any given member of the council: nay, the presumption is against him in proportion to the superiority of his rank and influence. The elevation of power is apt to make men giddy; and the exercise of it, I fear, has no direct tendency to improve their morality. In all the divisions under Mr. Hastings's government the court of directors fixed the blame upon him. The two committees of the House of Commons, who have inquired into our conduct, have done the same. Let it be admitted, nevertheless, that a majority of the council is most likely to be in fault, and that they thwart the governor-general on factious principles, and for interested purposes of their own. If that should really happen, take care that you fix the blame where you ought to fix it. If you do not, you are unjust in the first instance, and that injustice will mislead you in the subsequent choice of your measures. Before you apply a remedy against faction, take care that you distinguish between the merit of the institution itself, and that of the persons who are appointed to fill it up. The wisest institution that human wisdom has been able to contrive, may be defeated by an improper choice of persons. On the contrary, a poor and feeble system, honestly, wisely, and vigorously executed, may be attended with all the effects of a virtuous government, and many of the advantages of a strong one. If, when you have instituted a council on the wisest principles, you fill it up with men of no ability or experience; with men of a questionable character; with men whose general principles are not previously known to one another; or, in short, with men whose rank and reputation in life give you no pledge or security for their good behaviour; and if then you find your council distracted by factions; if then you find the wise measures of your governor-general resisted and defeated, do not condemn the institution, but blame yourself for the weak or shameful choice you have made of the persons to whose hands you have committed the execution. On this point I desire to be understood to speak generally, and not to allude to any fact or individual whatever. Now, Sir, let me suppose, that, under the same institution, the choice of persons were to be directly the reverse of that which I have described: that none but men of proper rank, acknowledged ability, and unquestionable integrity, and whose general principles were known to, and approved of, by each other, were appointed to this council; will any man say that a council, so composed, is likely to thwart and embarrass a good governor by a factious opposition to his measures? No, Sir; they will not weaken his authority by opposition, but they will make him powerful indeed by their support. A governor-general understands nothing of his situation, if he thinks that any power, directly vested in his hands, will carry half the sway with it that will always accompany the united acts of a governor and council. If he trusts to his own exclusive judgment, I tell him, he will find himself surrounded by some of the most artful men that exist: on one side, by natives, who, without our general knowledge, are infinitely sagacious, who observe us attentively, and understand us perfectly; and on the other by some Europeans, who, in every thing but their habit and complexion, are perfect Asiatics. No single unassisted English judgment is a match for such men, and for

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such peculiar faculties, as will collect about him from the moment of his arrival. If again he relies on his exclusive power, I tell him, that, for want of clear and accurate knowledge, he will rarely venture to to exert it. Every man who approaches him will tell him a different story, or give him a different opinion. He will often doubt, and, when he doubts, he will not act at all. No vigorous determination can exist in a good mind, that is not produced by knowledge or conviction; but even his power, when he exerts it, will be feeble and ineffectual against the universal combination and clamour of all ranks, and of all interests, which will be formed to counteract him in every measure that tends to reduce exorbitant emoluments, or to correct any abuse, from which individuals derive an advantage. In this respect, however, our fellow subjects in Bengal have full as much morality as we have. In parallel circumstances, the same thing would happen in England; but, in a great community, the reformer has the voice and approbation of a majority to encourage him. In a very narrow circle he will have no part of the society in which he lives to support him against the rest. They will all make common cause against him, and, sooner or later, overcome his resolution, or break his heart. Upon the whole, I am of opinion, that, in a plan of general reform, an united governor and council may do much—a single person can do nothing. For the truth of this proposition I would readily appeal to Mr. Hastings himself; and I would state the argument to him with an admission of all the personal preferences and objections which that gentleman could wish to establish. Let it be imagined, then, that the Legislature, instead of forcing him to act with men of unequal rank in life, of opposite views, of a suspected or doubtful character, and of an impracticable temper, such as general Clavering, colonel Monson, and myself, had united him with men of his own cast and disposition, with men whose general views and principles determined them to give him the same cordial and vigorous support which he constantly and uniformly received from Mr. Barwell; then would he say, that a council, so constituted, and so acting firmly together, would not have possessed in itself, and given the governor a stronger power than any that could have been vested singly in his person, or any that he alone could have ventured to exert. I am much mistaken indeed, if, on a case so stated, Mr. Hastings's opinion would differ from mine. This, at least, I may affirm with certainty, for my late honourable colleagues as well as for myself, that if the personal character, political views, and public principles of Mr. Hastings and Mr. Barwell had been such as, concurring with our own, had engaged us to unite cordially with Mr. Hastings, and to give him a steady and vigorous support, we should have thought his government not only more wisely calculated for all the purposes of council and deliberation, but even stronger in the execution, than any power that could have been vested in him alone; and that it would have carried an opinion, a dignity, an authority, and a sway, along with it, which no faction could have resisted, no combination could have withstood.

From all these premises, I come to my conclusion on the second general division of the Bill, that the reduction of the council from five to four was an unwise measure; that every idea of vesting great exclusive power in any single person, is, at once, useless and dangerous; that, for all good purposes, an united council is infinitely more powerful than a single person can be; and that even if the principle, on which the present law proceeds, were ever so just and necessary, I mean that of giving special powers to a governor-general, this law does not act up to its own principle, or provide for its own object. The power it gives is meanly and indirectly given, and it provides no security for its continuance, for a single day, in the governor-general's hands. On the whole, therefore, if you disapprove of the principle of giving exclusive power to a single person, you must condemn this law for having given too much; but, if you approve of the principle, you must then condemn the law still more strongly for having given too little.

We are now to consider the third great division of the Bill; and, on this subject, I confess I expect not only a general attention, but a general concurrence and support. However indifferent and uninteresting the good or bad government of the East India Company's affairs, or the welfare of the people subject to their power in India, may have been to the nation at large, or to a majority of this House, or to any individual member of it, there is not a man in the kingdom to whom the subject, that now calls upon you for

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your attention, ought to be indifferent. At first sight, it may perhaps appear to affect only a part of our fellow-subjects who are at a distance from us. If that were true, I still should think it my duty to appeal to you in their behalf. This law declares that they are not so distant as to be out of the reach of its power. To whatever extent we carry that power, let us take care to shew that our justice goes along with it. Let no man in India have reason to say, that he is included in the power, and excluded from the justice, of the Legislature. But, Sir, it is not for them alone that I have undertaken this heavy task. The instant suffering is theirs; the consequence and the danger is yours. 'Res agitur vestra.' A capital innovation is made in the criminal jurisprudence of England. New principles are introduced, not only in the system of our laws, but into the manners of the people. A new tribunal is erected for the trial of misdemeanors committed in India, and armed or accompanied with powers unheard of in this country. The ancient established mode of trial by a jury, and by the country, is renounced as imperfect and inadequate; a new and arbitrary system of inquiry and trial is established in the room of it; and all this is done for reasons and pretences equally applicable to any other sort of crime, and any other species of offender. This system, considered as a fact, I deem to be unjust and arbitrary. Considering it as a precedent, it holds out a general menace to the whole kingdom: it acts directly upon a few, but it threatens us all. If, by the immediate acquiescence of the parties—if, by their voluntary surrender of their rights, the instant injustice of the fact could be palliated or removed, the danger of the precedent would be increased; for who would regard a distant menace, if he who was actually wounded were to suppress his resentment, or to admit, by his silence, that he had no reason to complain.

In agitating this part of my subject, the principle I set out with, and the main ground I take, is not only supported by the obvious dictates of policy and reason, but by the highest authority by which Parliament can be instructed. The authority I speak of is at all times entitled to submission and respect; but to the respect and submission of this House of Commons in particular, and of the present Administration, its claim is special, and not to be resisted. At the first meeting of the present Parliament, we received an admonition from the Throne, which, I am sorry to say, was very little regarded in our subsequent proceedings. The words his Majesty made use of ought for ever to be remembered.—"The affairs of the East India Company form an object of deliberation deeply connected with the general interests of the country. While you feel a just anxiety to provide for the good government of our possessions in that part of the world, you will, I trust, never lose sight of the effect which any measure, to be adopted for that purpose, may have on our own constitution, and our dearest interests at home." To insure the success of the present motion, I desire no better pledge or security than that the House should keep this wise admonition in their view, and be governed by it. The principle contained in it has already been successfully exerted, though, in my judgment, very erroneously directed, against a law proposed by a right hon. gentleman (Mr. Fox) near me—against a law, which, in no shape, invaded the constitution, or affected any domestic interest that ought to be dear to us. The part which the nation in general took in that transaction has only proved the facility, in some cases, of substituting words for meaning, and of totally overturning the sense by the sound. The charter of a monopoly was confounded with the great charter of our freedom, and that single word 'charter' decided the question. When the principle I have alluded to had done all the duty demanded from it, it was still indeed adhered to in terms, and delivered with great and awful solemnity, as an instruction to this House; but it was at that very moment completely abandoned in fact, and another, directly opposite to it, assumed, and acted upon. In little more than a month after the King had cautioned us, from the Throne, "never to lose sight of the effect which any measure, to de adopted for the good government of India, might have on our own constitution, and our dearest interests at home," a bill was brought into Parliament, which I affirm, and I have no doubt of being able to prove, attacks the constitution of England in its foundation, and not only threatens, but invades, the security of every interest that ought to be dearest to us at home; which not only shakes the defences of our domestic establishment, but acts upon principles which ought not to be admitted under any go-

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vernment or constitution, or in any human society whatever. I desire it to be understood, Sir, that in every thing I am going to say, I keep the King's Speech in view as a beacon or land-mark, by which my course shall be directed. In the first place, allow me to state, in a short, general view, what it is that this part of the law enacts. It begins with compelling a set of men, whom the law itself, in some sort, prejudges to be criminal, whom it strongly suspects, at least, if it does not accuse, of having acquired fortune by corrupt practices, if not by violence and extortion, to deliver an exact inventory of their property, on oath, as soon as they arrive in England. Now, Sir, with respect to men perfectly innocent and unsuspected, the best that can be said of the law is, that it is harmless. If that were all, it would then be equally useless. From those who are innocent you can extort no confession: but I deny that it is in no case a hardship and injustice to an honest man, to oblige him to declare publicly the exact amount of his fortune. Numberless cases might be stated, in which it might be, to a very honest man, a very arbitrary act of oppression. It might even happen, that the act might be oppressive in proportion to the innocence of the party; for, though his poverty might prove his innocence, it might easily happen that many a man would wish to have his innocence proved by any other kind of evidence. We do not live in times in which poverty is respectable. I fear the contrary is true, and that the law which compels an honest man to discover the narrowness of his circumstances, whatever it may intend, will, in effect, only serve or assist to fling disgrace upon ill fortune, and to make the most honourable poverty ridiculous. Men of this description ought certainly to be spared.

Now, Sir, admitting it to be an equitable supposition, that guilt and fortune go together; admitting it to be a sound principle of justice, that men should be tried rather by their wealth than by their actions, let us see how the law operates on those whom it may have reason to suspect—on men who may really have acquired an immoderate fortune by very unwarrantable, perhaps very criminal means. See whether the option, which the law holds out to such persons, be likely to produce any good effect whatever. It obliges the parties to choose between a condemnation of themselves by a discovery of their guilt, and a concealment of their guilt by perjury. If this be the option, what is like to be the choice? That a man, accustomed to criminal practices of one kind, will be extremely scrupulous about committing another crime to protect the first; or that, being already guilty, he will make himself still more guilty in order to escape punishment. In my mind, Sir, all the effect of the law will be, to invite him to add one crime to another; and if he be already guilty of extortion, of oppression, or cruelty, to endeavour to cover it by perjury. In general, it is neither prudent nor equitable to place any man between a great danger, or a great temptation, on one side, and a moral or religious obligation on the other. The law should be tender of creating such dilemmas. To impose such a test on men whose integrity you already suspect, is worse than imprudent. It is an invitation to falsehood; because it annexes the expectation of impunity for one offence to the commission of another.

The law then, Sir, in the case of any complaint made to the Court of Exchequer, of wilful concealment of property, or defect, or evasion in the discovery, proceeds to subject the party to answer interrogatories, on oath, at the discretion of the Court. In both instances it revives a mode of inquisition and conviction which the constitution of this country holds in abhorrence, and which our ancestors vainly imagined they had extirpated for ever, when they abolished the Star-chamber. With respect to the interrogatories, it might be sufficient to say, that they are liable to the same fundamental objection with the method proposed for extorting a discovery in the first instance; namely, that they place a person, who, by the supposition, is criminal, between the necessity of condemning himself by his veracity, or acquitting himself by his falsehood. But these interrogatories carry the same absurd and wicked principle a great deal farther. They suppose the party to have been guilty of perjury in the first instance, and they call upon him either to convict himself of that crime, or to cover it by a series of new perjuries in his answers to the interrogatories. I have stated the principles of the new inquisition as I find them avowed and established, and shall leave them, without argument, to the sensations and to the judgment of the House. To make it felt that they are arbitrary and

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absurd, requires no argument. The moment they are stated, they are condemned.

The law, having now exerted the utmost of its power to extort a discovery of guilt by the confession of the guilty, proceeds to supply the defects of that mode by another course, which indeed seems to promise a greater probability of success, but, in my judgment, is still more detestable than the other, because it holds out rewards to treachery and baseness, and tends to corrupt and destroy all the little morality we have left in private life. This law formally introduces into the inmost recesses of personal confidence and friendship the worst of all the instruments that ever have been employed by power without right. It acknowledges the office of spy and informer to be useful in the general intercourse of society, and rewards him with a share in the success of his information. Sir, the man who discovers a crime, and brings a criminal to punishment, performs an honourable duty to the public; but he who searches into the circumstances of another, who inquires in order to accuse, and who accuses in order to profit by the amount of his discovery, can be nothing but a traitor in private life; he never can be a useful servant to the public. But the temptation held out by this law is not confined to common spies and informers; it goes to persons much better able to discover the amount of a concealed fortune, to persons whom you have particularly trusted—your agent, your secretary, your banker, or your friend. Who knows but that the invitation of the law may seduce a son to betray his father, a brother to betray his brother, and, what is worst of all, perhaps some person, whom you have essentially served, to betray his benefactor? The very money you have lent him, if, whether wilfully or not, you should have omitted it in your account, will enable him to accuse you of concealment, and entitle him to share in the forfeiture that follows. I appeal to every thing that is honourable and virtuous in this House—Is there an object of penal justice, against any particular set of men, adequate to the price you must pay for it, if you suffer such principles as these to be introduced not only into the laws of the kingdom, but into the manners of the people?

This appeal to the general sense and judgment of the House, I trust, will not be ineffectual: but the justice of my cause entitles me to look every where for assistance. There is a particular body of men, powerful in this House, and in this kingdom, who, I think, are bound by many special considerations to take part with me in the present question—I mean the gentlemen who have unaccountably been misled to give their consent to a law which bears hard upon their former companions, and upon all the connexions they have left in India. I appeal to them as to men of honour, and put the question strongly upon their character, whether they will deliberately inflict upon others such restraints and penalties as, I imagine, they would have thought unjust against themselves? whether they will look back with sympathy and concern to the situations in which they were lately placed? or whether, having quitted their situations, they will content themselves with holding to all their deserted friends and companions the base exclusive language of personal escape and security—*occupet extremum scabies.*—Sir, I am aware of the turn that may be given to an argument of this nature. It is directed *ad homines*, and with them it ought to have weight. But, in order to give point and direction to this appeal, and to make it intelligible by application, I desire leave to suppose that all the gentlemen alluded to were for a moment represented by one person, and that that person were my hon. colleague in the government of Bengal, now a member of this House, (Richard Barwell, esq.) To him at least I have some right to address myself. I would request him to consider whether, if, before he left India, before he had remitted home and invested in England the honourable reward of his labours, (and certainly the labours were considerable, if we are to measure them by the amount of the reward) it had been proposed to give or refuse his concurrence to a law which should oblige him, the moment he arrived in England, to make a public declaration on oath of the amount and particulars of his fortune, which should compel him to submit to interrogatories on oath concerning the truth of every particular of that declaration, and which should hold out temptation and seduction to his agents, to his friends, and to every man in his confidence, (by the promise of sharing in his fortune) to find out some error in his account; whether, if such a proposition had been made to him, he would have thought it a just and reasonable law against himself; whether he would have assented to it with cheerfulness, or rejected it with indignation. I

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certainly meant to call upon him, if he had been present, to answer explicitly for himself; yet I think I know my hon. colleague's ideas and principles on this subject sufficiently to venture to answer for him. I will venture to affirm for him, that he would not have entirely approved of these inquiries into the state of his fortune, much less of the encouragement held out to his particular friends to accuse him. If I form a just judgment of my hon. colleague's principles, he will assist me in protecting others from an inquisition which he would have thought oppressive to himself. I cannot believe that he would apply any other measure to the actions of others, but that which he would willingly abide by for his own.

I come now, Sir, to the consideration of the tribunal and mode of trial which this Bill creates, and substitutes in the place of the ancient trial, which every man in this land is entitled to, even the felon, the murderer, and the parricide, when he throws himself upon his country; that is, to be tried by twelve indifferent persons, as nearly as possible of his own level, and by the law of the land. Let us see what this tribunal is, how it is constituted, and how it is to act. In the first place, Sir, it professes to consist of 13 persons, whom I will suppose for a moment to be chosen with all the indifference which the law affects. If they be really so chosen, it will not follow that, with respect to ten of them, namely the four lords and six commoners, any advantage is gained over a jury in point of knowledge, or any other judicial qualification; for I believe it will not be denied that a special jury of English gentlemen is just as likely to be qualified for this or any other judicial office, as any ten members of the Lords and Commons taken at a venture. But the positive disadvantages of the new tribunal are many and obvious. The lords and the judges are not peers of the criminal. An institution, that calls on such persons for a verdict, renounces every use and advantage which the laws of this country annex to the trial of facts by our peers. In favour of what? In favour of a tribunal, in which every one of the component parts is placed in a situation in which they were never placed before. This tribunal abandons the wise and ancient separation of the verdict from the judgment, and unites in the same persons the verdict, the explanation of the law, and the sentence. Lords and judges are called upon to find the facts, and the commoners, if they will, may determine the law, and pronounce the judgment. The vote of the commoners, on a point of law, is just as valid as that of the judge.

With respect to the method of choosing the pannel, I shall avoid saying any thing that may appear invidious or personal. My cause is too powerful to want the assistance of personal reflections. I stand on public ground, and shall take no other. I state it, therefore, only as a matter of fact, not only not denied, but defended, that, in the very first instance of choosing the pannel, out of which the new tribunal is to be finally selected, the choice was made by Treasury lists distributed among the members of this House, and that the persons named in those lists have been appointed. I state the fact without observation, and shall leave it so to the reflections of the House. The law proceeds to prescribe a course, by which the whole pannel of three judges, 26 lords, and 40 commoners, shall be finally reduced to 13 persons, whose names are to be inserted in a special commission, in order to form the new tribunal. On this part of the proceeding I observe, that, admitting the necessity of changing the form of administering criminal justice, it does not follow that there is any necessity for renouncing the fundamental principles on which that justice has been hitherto administered in England. Your professed object is to create an impartial tribunal. The formation of a jury is so contrived, that it is scarcely possible it should not be impartial; then why abandon the forms established for the choice of a jury? The present law does so without reason or necessity. It allows the party a right of peremptory challenge only against 13 of the peers and 20 of the commoners. Now, supposing it proper to admit of none but peremptory challenges, why should the exercise of that right be stopped as long as a number of lords and commoners remain sufficient to form the tribunal? If, on the contrary, it be proper to limit the number of peremptory challenges, why should you restrain the party from challenging the remainder of the pannel for cause assigned? This, I affirm, is not only an unnecessary departure from the ancient constitution of juries, but a denial of right, completely unjust and absurd. It is unjust to force the party to include his challenges for a cause assigned within the number which you allow him to make peremptory. The result may be, that you will allow no

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peremptory challenge at all, since it may very easily happen that all his peremptory challenges may lie against persons against whom he might be ready and desirous to object for specific reasons. But can any thing be conceived more absurd than that the law should yield perhaps to his malignity, perhaps to his caprice, and refuse to listen to his reason?

Against the three judges there is to be no challenge allowed, for reasons, I presume, deduced from the sanctity of their character and the respect due to their station. To the former I shall only say, that judges may be better men than we are, but they are men; and that cases occur in which an exception to a judge, even in the discharge of his proper office, would be deemed valid, and would force him to retire. To the latter I say, that a judge has no right to carry along with him the respect due to his proper station, when he descends to any other. I will not challenge him as long as he maintains the post at which the constitution placed him; but if he accepts of another office, if he takes upon him to find the facts, if he condescends to be a juryman, he must accept of that office with all its conditions. He has no claim to the privilege of a judge, while he does that which no judge in this kingdom ever did before. But is it impossible that one of the three judges may be an enemy of the party accused? Would you really appoint such a judge to try such a party? and, if the objection were so stated, would you affirm that it deserved no attention? If, even without supposing a direct enmity, two men were known to have stood on terms unfriendly to each other, would you appoint one of them to judge the other? Let me appeal to the honour of the learned gentleman opposite to me, who knows what has passed in India. If I were the person accused, would he choose sir Elijah Impey to be my judge? That gentleman, I presume, would decline the office. But for myself I can affirm, that if he should be accused, I would never sit in judgment upon him. I may be prosecutor—I may be evidence against him—but I will never give a judicial vote in any cause in which sir Elijah Impey may be party, unless I can safely give it for him.

The tribunal, at last obtained, professedly consists of thirteen persons. For what reason this small number should afterwards be reduced to seven is not explained. The whole power of the thirteen is finally committed to a *quorum* of seven, provided one of this number be a judge. In so very small a number it might be thought, that an unanimous judgment might safely be demanded. In finding the facts, at least, it might be expected that their verdict should be unanimous; but in this tribunal a new and dangerous principle of decision is assumed. The sense of the court is to be bound and determined by a majority of votes; that is, the facts may be found, the law determined, and the punishment awarded by four persons out of seven; and the court may be so composed and divided, that possibly one lord and three judges may find all the facts against the finding of three commoners, or *vice versâ*, that four commoners may determine the law against the three judges. What they will do I know not; but this is what they may do under the present institution.

We are now to consider the course and conduct of the trial. With respect to the trial of crimes in general, I presume it will not be denied that two conditions are essential to the due administration of justice, at least that they have been hitherto thought so in England. The first is peculiar to our constitution, that the jury shall not separate before they have agreed upon their verdict. The law is cautious of exposing the virtue of jurymen to the temptations which might be thrown in their way, if they were suffered to go out of court, and disperse before they had found their verdict. The law will not even confide in their judgment so far as to suffer them to listen to any extra-judicial evidence whatever. When once they are shut up, all access to them is forbidden. Let the House compare the wisdom of these precautions with the latitude allowed to the present tribunal. The commissioners may adjourn from day to day *ad libitum*. They may mix in society, and listen to all manner of discourses upon the subject matter of the charge depending before them. If the party accused be a very guilty man, he must be wealthy in the same proportion; and if the evidence should appear to go against him, what security have you that he will not attempt to corrupt the integrity of one or other of the commissioners, whom he or his agents may meet out of court and converse with every day? Since a majority is to decide, it may happen that, by corrupting one out of seven, the judgment may be in his favour. In all these observations, Sir, I

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earnestly desire it to be understood that I speak of institutions, and not of persons. The lords and commoners who compose the present pannel, are honourable men; so we are all: but let it be remembered that laws are made to guard against what men may do, not to trust to what they will do. Admitting corruption to be impracticable, there are other sorts of influence, against which the virtue of men should equally be defended. The language of personal enmity, or public odium, on one side, or of interest, solicitation, or compassion, on the other, may engage the passions, or bias the judgment of the judge. But if any of these lords and commoners should be connected with the Administration, and if the party accused should be a person whom the Minister should think it necessary to seduce or intimidate; whose fortune, for example, might entitle him to a seat in the House of Commons, then look to the consequence. Who will venture to affirm that it is impossible for a commissioner, so connected, to sound the inclinations of the minister; to apprize him what turn the trial is likely to take, and to receive his instructions from time to time for his own subsequent conduct? Of the present Minister I am ready to admit, that so base a practice is not to be suspected. Concerning his personal honour, I am ready to take every thing for granted that his warmest friends can say of him. My argument is applied generally to things, not to men, and stands abstracted from all personal considerations whatsoever.

The second great consideration, which I deem to be essential to the administration of justice, and which is admitted to be so not only in this country, but in every other where justice is really administered, is, that the trial should be in open court. The law of England does not allow that justice can be done in secret; therefore will not suffer the doors of a court of justice to be shut. The wisdom of our ancestors has deemed the inspection of the public eye upon the proceedings of the court to be a powerful guard over the virtue of the judge; and the best and wisest of our judges have thought it no impeachment of their integrity. An open trial obliges the judge, in every question that comes before him, to choose between his duty and the loss of his reputation. On the face of the present law, I see nothing that provides for and secures a public trial: for any thing that appears to the contrary, the commissioners may sit, in close recess, in one of the chambers of the Treasury. If I am mistaken on this point, I wish to be corrected, for I should be sorry to load the law with an ill-founded imputation.

Sir, it requires but little ability to shew the dangerous nature and effect of these invasions in the plan and system of the laws of England. He who is able to state the fact, demonstrates the consequence. But we have been told already, and I expect we shall be told again, that necessity supersedes all principles; that there is no alternative; that offences committed in India are of such a nature, that it is impossible to bring them within the cognizance, and of course to subject them to the verdict of a jury. It may be so: but I own it is a proposition that passes my understanding. When, by virtue of the powers already vested in the courts below, the necessary evidence, from depositions taken in writing, shall be obtained from India, why the whole of it may not be reduced to distinct issues of fact, on which a jury may pronounce as well as any other tribunal, is a question to which I am not able to conceive a satisfactory answer. We are not speaking of political offences, of crimes against the state, which, in many cases, perhaps can only be established by a minute examination of letters, instructions, and correspondence, and by a careful deduction and inference from intricate proceedings to certain motives. The declared and only object of the present law is to prosecute and bring to speedy and condign punishment persons guilty of the crime of extortion and other misdemeanors. These offences, if committed, are matters of fact, on which it remains to be proved that a jury of English commoners cannot find a verdict, but on which a court, consisting of judges, lords, and commoners, can very well find a verdict, declare the law, and pronounce a judgment. I distrust my own knowledge too much, and see too much legal learning opposed to me, to undertake to prove a negative to that proposition. Yet even that task would have been undertaken, and I doubt not with success, by a learned gentleman, (Mr. John Lee) whose heart, as well as his learning, goes with me on this subject, if a severe illness, unfortunately for me and for the public, had not prevented his attendance this day. I lament his absence, though I know I shall not be left without some powerful legal

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support. Strictly and properly, the burthen of the proof lies on the affirmative. They who innovate are bound to shew a sufficient positive reason for the innovation. They are bound to the direct proof of this clear, distinct proposition; namely, that a jury is absolutely incapable, and cannot by any means be made capable of trying an act of extortion, or other misdemeanor, committed in India. No doctrine, that does not clearly and distinctly go to the full extent and meaning of this proposition, will support the present law. The innovation is avowedly founded on a supposed necessity, and no alternative. But if a jury either is, or can by any means be made capable of the service, you have an alternative; the necessity does not exist, and you have no pretence to innovate. Sir, this will be a serious undertaking for men of rank and character in the profession. It is not a trial of skill between cunning knowledge and unlearned reason: it is not a victory of legal argument over an unlearned individual, contending for his birth-right, which, on such a question, will satisfy the sense and judgment of this nation. The learned person, who ventures to affirm that the proposition is true in the terms in which I have stated it, should remember that his character is at stake, that he acts under the inspection of the public eye, and that he is going to choose between his duty and the loss of his reputation for ever. I will tell him too, that I have good reason to believe, though I do not directly assert, that the first law authorities in this kingdom are against him. I trust he will find it so when the question comes to be agitated, as ere long it must be, in another place.

Before I conclude this part of my subject I flatter myself the House will allow me to remind them of the little triumph that prevailed when a right hon. friend of mine (Mr. Burke) declared very lately, that, after long and serious deliberation, he preferred the trial by impeachment to that of prosecution in the courts below, for the purpose of bringing a capital Indian delinquent to justice; as if my right hon. friend had thereby abandoned the trial by jury, and furnished the advocates of the present tribunal with reason to conclude that his opinion on this subject coincided with theirs. I hope to be able to convince the House that the conclusion was precipitate, and the triumph premature. I should indeed have thought myself unfortunate if the sentiments of my right hon. friend had differed from mine on this important question. I should have distrusted my own most deliberate judgment, and should have acted with hesitation and reluctance even upon the most deliberate conviction. The relation in which I stand to my right hon. friend, gives him every claim over me that belongs to authority, and justifies submission: it is that of a being that is instructed, to the being that instructs him. Sir, I am not here to pronounce my right hon. friend's panegyric; nor, if I were equal to the task, would I now venture to undertake it: it would lead me to reflections that would utterly discompose me—to the recollection of virtues unrewarded, and of veteran services growing gray under the neglect, if not ingratitude, of his country. If fame be a reward, he possesses it already: but I know he looks forward to a higher recompence. He considers and believes, as I do, that, in some other existence, the virtues of men will meet with retribution; where they who have faithfully and gratuitously served mankind, "shall find the generous labour was not lost."

On the point in question there is no difference between us. His opinion comes in aid to mine: our minds are united, and our principles act together. If it be a contradiction to say, that, for the punishment of crimes of a special quality and magnitude, the trial by impeachment is the safest, the most effectual, and the best; but that, for offences of a lower order, the established trial by jury should still be adhered to; he who maintains the affirmative, charges that very contradiction upon the laws, the institutions, the practice, and the wisdom of England, ever since parliaments had a being. I am not afraid of erring with such powerful and venerable authority. The trial by impeachment is founded on a popular right, coeval with the House of Commons: it is as well known and as well established in our constitution as the trial by jury, though it cannot occur so often. There are cases of crimes and of criminals, to which no other form of proceeding is adequate, to which no other mode of trial is commensurate. In such cases, the trial by impeachment does that which no other trial can accomplish. It not only forces the crime to an inquiry; it not only demands justice against the criminal, and insures his punishment; but it provides for another object, which, in some instances, is

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not less interesting and necessary than even justice and punishment. It clears the honour of the nation in which such crimes are committed, and to which such criminals belong: it vindicates the character of this country from reproach in the judgment of mankind. These are the occasions in which the pre-eminence of the wisdom and justice of England displays itself over all other nations. Other nations may rival us in our crimes—but there the competition ends. In England alone the dignity of the trial rises to a level with the eminence of the crime. When the House of Commons impeaches, it is a solemn appeal to the judgment of the world. When crimes are charged, by which the happiness, if not the existence, of whole nations has been affected; by which states and princes, and all the highest orders of men as well as the lowest have been reduced, by the base and iron hand of upstart power, to misery and ruin, the trial by impeachment makes proclamation to the kingdoms and princes of the world to attend and look on, while the democracy of England advances in person to the charge, assumes the noble office of accuser, and forces the crime to trial before every thing that is great, and noble, and wise, and learned, and venerable, in our country. The crime, the criminal, the prosecutor, the judges, the audience, and the trial, produce and constitute a scene which no other country can exhibit to the world. Let us hope that the necessity of so solemn a proceeding will not often exist hereafter. The constitution has wisely reserved it for crimes of special magnitude, and rare in proportion to their greatness. The same constitution has provided, with equal wisdom, for the punishment of offences of an inferior rank by another course, equally appropriated to its object. Let my right hon. friend proceed, therefore, to the discharge of that elevated duty, to which his eminent abilities call him. There are still other duties to be performed by inferior abilities. While he travels on in the high road of impeachment, I shall endeavour to attend his course in a narrower track, but in a parallel path. The lines we act in neither cross nor diverge: they are equally directed to the same general object of justice, and they run together.

Now, Sir, the principal part of my task is completed; for, generally speaking, my present purpose is not so much to institute, as to correct. I mean to take away a great deal, but not to enact much in the place of it. In other circumstances, I should have thought myself bound to attempt a great deal more. If I had been united in views and sentiments with the acting Administration of the country, and might therefore have hoped for their support in the plan, and their hearty concurrence in the execution of a new law on this subject, I certainly should have extended my thoughts to a comprehensive positive institution for the better government of India; but, since I do not stand in that predicament, I must adopt another conduct, conformable to my situation. I must take care that whatever I propose, *rebus sic stantibus*, whether to correct or to enact, the thing I propose may execute itself, and not depend for its success on the temper of Administration. I must take care not to aim at any thing but what may really be attainable under the present circumstances; and, finally, that while I am endeavouring to do good, I may be sure of doing no mischief. Acting on these limited principles, I shall proceed to state to you briefly and generally what I propose to do. If the motion should be carried, my purpose is to extirpate out of this Bill the principal evil that belongs to it; to revert to that which was good before, or which, if not perfect in itself, has not been improved by innovation; to strengthen that good, if it be feeble, and not to enact much by positive institution. I would rebuild the house I live in from the foundation, if I could; but since that is not in my power, I will endeavour to repair it.

Protesting, as I continue to do, against the form in which the executive powers of the India Company in England are actually distributed, and declaring, as I do, that, in my opinion, a more absurd system of government could not have been imagined, I shall leave it as it stands. I perfectly know that an attempt to alter it would have no chance of succeeding; nor would I trust the execution of a better system in the hands of men who were adverse to it. With respect to the government of Bengal, the alteration I shall propose is no more than to revert to the former constitution, which this law has very unwisely altered. I would replace that government in a governor-general and four counsellors, with nearly the same powers with which they were invested by the Acts of 1773 and 1781. This alteration is easy, and will execute itself. It has an acci-

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dental advantage too, which may recommend it to the favour of those who possess the patronage of the Company. It revives a fifth office of counsellor, with 10,000*l.* a year. With respect to all that part of the law which creates an inquisition, which compels the subjects of Great Britain to answer interrogatories on oath, which endeavours to corrupt the virtues of private life by promising to make men rich, if they turn traitors and informers, and which deprives the subjects of this kingdom of their chartered right, of their common-law right, and of their unalienable birth-right, a trial by their peers, my intention is to tear it out of the statute-book—I would erase it, if I could, from the memory of mankind—I would replace the criminal law of England in the state in which it stood. If the powers already given to the Court of King's-bench, for the purpose of obtaining evidence from India, be insufficient, I have no objection to enlarging them. If the formality of pleading, or the present rules of evidence, or any other formality, stands in the way of justice, let the law be altered; but when the evidence is once collected and prepared, let it be submitted to a jury. With respect to written evidence, though I allow it must be accepted, since, in some cases, it may be impossible to obtain any other, yet I think the present law abuses that concession, and carries the admission of written evidence to a most dangerous excess. It is enacted, "That all writings which shall have been transmitted from the East Indies to the Court of Directors, by their officers and servants resident in the East Indies, in the usual course of their correspondence with the said court, and which in any manner relate to the subject matter of the charge, may be admitted to be offered in evidence." The correspondence so described, I dare say, amounts to above 100 large folio volumes every year: it comprehends not only the proceedings of the superior councils in India, but those of their subordinate councils, and all the correspondence of all of them with every individual with whom they have any transaction or intercourse whatever. The law declares that every thing contained in this enormous heap of writing may be admitted to be offered in evidence, and then the court is to sift and examine it. The task would be a heavy one, even if a clear, certain rule could be established for distinguishing the credible parts of such evidence from the rest. The effect of this clause will be to make the Company's correspondence an indirect channel of accusation between man and man, and to fill it with every thing that interest, jealousy, or malignity can invent, or that ignorance and folly can believe, on any subject. I will not now attempt to state any precise limits for this dangerous admission of written evidence. In general, I shall only say, that authentic copies of the orders of the court of directors may be admitted as evidence, when the charge is for disobedience; and that every man's writing, or an undoubted copy of it, may be evidence against himself. On this point I hope to be assisted with legal advice, and to be able to state my opinion with greater precision, if I am permitted to bring in the Bill; and here I shall conclude. They who may differ from me in opinion cannot reasonably impute the part I have taken in this business to any personal apprehension or interest of my own. As to myself, I stand as clear of the law as if I had never been in India; and as to particular friends or connexions, I have now but very few in that country: those few, I fear, have not prospered. If any of them are rich, they have no occasion to stay there. If any of them are conscious of having used improper means to acquire a fortune, they will naturally shelter themselves under the present law, by returning to England before January, 1787. I attack this law, because, in fact, it holds out protection to the guilty, and tends to corrupt the innocent; because it introduces false principles into the administration of justice; because it is unjust in its immediate application, while it establishes a precedent dangerous to this kingdom; because it takes away the trial by jury; because it invades and alters the constitution; and because it shakes the security, and threatens the liberty of every subject of Great Britain. I therefore move, "That leave be given to bring in a Bill to explain and amend an Act made in the 24th year of the reign of his present Majesty, intituled, 'An Act for the better Regulation and Management of the Affairs of the East India Company, and of the British Possessions in India; and for establishing a Court of Judicature for the more speedy and effectual Trial of Persons accused of offences committed in the East Indies.'"

Mr. Windham seconded the motion.

Mr. *Dundas* said, that he should not, for the present, enter into the full extent of the question, but say something con-

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cerning each part of it, reserving the remainder for a future occasion, not far distant, when the subject would again be brought by him before the House. The hon. gentleman complained, that in the alteration which had been made in the government of the Company's affairs at home, the responsibility was so divided between the board of control and the court of directors, that it became impossible to ascertain, in case of miscarriage, where the fault existed. To this he would answer, that at present the responsibility was infinitely more direct and complete than it had been before; for, when the board of control and the court of directors coincided in their orders, then each body was answerable; but when they differed, then the board of control was liable to account; by which means the responsibility was rendered more tangible, as it was in some instances transferred from a fluctuating and uncertain body, as the court of directors were, to one of a permanent constitution, the board of control, and in other instances extended to them both. It might happen in the former system for the whole body of directors to be changed between the time of adopting a particular measure and the discovery of the bad consequence resulting from it. Who then was to be called to account? The criminality would appear, but the authors of it could not be found. As to the hon. gentleman's complaint, that the executive authority of the Company had been separated from the patronage, that, he must contend, was the most valuable and beneficial part of the whole system; because, when the executive power was in the directors, the patronage which they enjoyed tended very much to fetter and embarrass the exercise of that power; for every order of theirs being calculated to affect their servants in India, and those servants being appointed by themselves, and of course out of their own families and connexions, it followed that they had private feelings with regard to them, which private feelings and affections, from the natural prejudices and weakness of humanity, materially interfered with their conduct respecting the public. Now the separation of those two powers of executive government and patronage would effectually remedy that inconvenience; and the board of control having no such ties of friendship and affection to the servants of the Company, would have no other object in the execution of their office but the benefit of the public. As to the alteration in the governments in India, he was decidedly of an opinion contrary to that given by the hon. gentleman; and though he should feel great uneasiness in being obliged to enforce his own theory in opposition to the experience of the hon. gentleman, yet that uneasiness would undergo a diminution in consequence of the authorities with which he could meet the hon. gentleman's personal knowledge of the subject; for there was not a person whom he had conversed with who had not condemned the former state of the government of that country, and among the rest he could instance lord Macartney, who had declared, that none but a madman would consent to accept the government while it remained upon its former footing. He must also beg leave to insist, that the hon. gentleman's proposal for remedying the disease of a casting voice was by no means adequate to the object; for the appointing five persons to the council would not prove sufficient, unless it could be contrived that those five persons should all live, for otherwise, the determination of many questions must depend upon the casting voice, and it was extremely probable, that during a long series of years, no question would be decided except by a casting voice. The hon. gentleman seemed to ground his principal objection to the present system, on that part which established a new judicature for the trial of delinquents returned from India. On this head he could not but differ most widely from the hon. gentleman. This judicature, he should admit, was represented by some persons at home, and he believed was looked upon by many others in India, as a most dangerous measure; but he had reason to think that in general it was considered in a very different point of view. He could venture to affirm, that the present mode of trial had all the advantages attending the trial by special jury, and none of its disadvantages; that although the defendant had no right of challenge, yet there could be no objection to that defect, because the court was appointed in such a manner, as to leave no room for the necessity of admitting challenges, which existed in trials by jury: all persons who might be supposed to entertain any bias, all who had ever been in India, all who were connected with the India Company, or who could be supposed under the influence of Government

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by means of employments, were excluded. The court consisted of persons of high rank and character, and such as could not afford the smallest reason to apprehend any injustice or partiality from them, unless under the strange idea, that justice and impartiality were things not to be found amongst mankind in any class, and if so, then no judicature could be thought upright. In answer to the doubts which the hon. gentleman had expressed arising from the danger of the judges being corrupted, he thought himself justified in contending, that if there were any foundation for such an apprehension, there was also as much danger in every other trial, for even before a jury the judge had great weight and authority; he could positively determine on the competence and admissibility of evidence; he had great influence in establishing its credibility; and besides, it was part of his duty to sum up the whole and put upon it that construction which seemed to him most proper; he had, in short, in many instances, extensive power, and in others great influence, until that stage of the trial in which the jury were closeted for their final determination: and as the three judges were to be appointed, one by each court, there was no doubt but such of them would be appointed by their brethren on the bench, as appeared to them most proper from being least liable to any unfair impression or prejudice. A right hon. gentleman (Mr. Burke), when expatiating upon the different modes of bringing a delinquent from that country to justice, had disclaimed the trial by jury as not calculated for the cognizance of such accusation, and in so doing he was certainly extremely prudent; he himself knew too well how difficult it was to proceed by a bill of pains and penalties; because, when on a former occasion he adopted that method, he found numbers of gentlemen who, though willing to prosecute the accused, and to inflict an adequate punishment where guilt was proved, yet declared, that they would then, and on all occasions, set their faces against a bill of pains and penalties: the only remaining method, therefore, of proceeding was by impeachment, which the right hon. gentleman had adopted in the prosecution at that moment depending, as the only way by which justice could be expected. Of the two modes of trial, that by the present judicature, and that by impeachment, he thought the former as unexceptionable as the latter; as well from the purity of its appointment, as from the numbers of which it consisted; for the court of the lord High Steward might consist of as few members as the East India Judicature; and the House of Lords, when they sat in the high Court of Parliament, were not subject to any challenges, to which this court, though not actually, yet, from the mode of its constitution, might be said virtually to have become liable. The hon. gentleman expressed his uneasiness, that no provision had been made to prevent the court from proceeding to trial with shut doors; but he apprehended that the omitting to mention any such matter in the Bill was by no means a sanction for adopting a custom so diametrically opposite to the common law, which directs, that all courts of judicature shall be open, and which of course the present one must be in compliance with the rules of common law, which are always to continue in force unless particularly avoided by the express words of a statute. On this occasion he should beg leave to instance the Election Bill, framed by Mr. Grenville, in which there was no particular injunction to preserve secresy in the proceedings of the committee to be appointed under it; and yet, in pursuance of the principles of the common law, their doors were always kept open. The complaint made of the power which the court had to adjourn from time to time, was one which, like some of the others, proceeded from the principle, that human nature was so depraved that no security could be expected against wickedness and temptation. He should therefore attempt to give no answer to it upon that principle; but only instance the last-mentioned judicature under the Election Bill, and also in the case of trials before the House of Peers, where it was the constant practice to adjourn *de die in diem;* and yet in either case was it ever pretended that there was any danger of undue influence being used by his Majesty's ministers, as was now attempted to be suggested? Another consideration which tended to prove the absolute impracticability of resorting to trial by jury was, the great scope of evidence that in general it would be necessary to produce on such occasions: as, for example, in the case of sir Thomas Rumbold, and also in that of Mr. Hastings, the evidence was so various and voluminous, that it was physically impossible that any jury could have strength sufficient to go

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through it without retiring to rest, and without other refreshment.

As to the objection which he had heard made against the admitting the writings and correspondences from the East Indies to be admitted in evidence, he apprehended that gentlemen were not sufficiently acquainted with this part of the subject: they seemed to think, that all writings whatsoever coming from that country were intended by the act of parliament to have full validity given to them as evidence in the newly-established court; but this was by no means the case, for every paper was liable to be scrutinized according to the common rules as well of admissibility as of credibility which were used with respect to other witnesses; and if any should appear to come from a person prejudiced or interested in the event of the trial, it would be considered as wholly inadmissible; or if it should prove inconsistent, contradictory, and improbable, it would then be considered as incredible. It was no new thing to bring the correspondence of the Company's servants as evidence into a court of justice; because the Act of 1773 had made a provision for the purpose, declaring such papers to be competent evidence; and indeed, in most instances, it would prove impossible to investigate a complaint from that country without recurring to such sources of information; and besides the other arguments tending to vindicate the departure from the trial by jury in this instance, the necessity of admitting such evidence was a very strong one; for, however expedient it might be in some cases to adopt new rules of evidence, it would prove extremely dangerous and improper to habituate the minds of the common juries of the country to such a change: because, being in certain cases used to look upon that as evidence which the peculiarity of the matter alone rendered so, they might, in cases where no such peculiarity existed, be inclined to receive similar impressions from similar documents, and by those means the rules of evidence might become fluctuating and liable to change; a circumstance to the full as dangerous and as necessary to guard against, as any change in the other forms of judicature could possibly be. As to the novelty imputed to this departure from the established practice of trial by jury, no such did exist; for it had long since been adopted both in the army and navy, and no person ever pretended, that any precedent was likely to flow from the institution of naval and military courts martial, dangerous to the constitution and laws of the country.

Respecting that part of the subject which related to the oath required from persons returning from India, to ascertain the amount of their acquisitions in those parts, he had not completely made up his mind; but having intended to bring the subject before the House in a short time, he had been in the habit of considering it attentively, and should, in a few days, come to a settled opinion concerning it. The reason of his doubt was the variety of sentiments he had met with in letters from India, some of which contained an approbation of the restriction, while others severely condemned it. It would however answer part of the objections stated by the hon. gentleman, to shew, that all of them at least were not perfectly well founded, and that the institution was not liable to the whole of the obloquy thrown upon it. The hon. gentleman had cited an example, drawn from the case of his own colleague in the administration of Bengal, and had said, that if the question had been put to that gentleman, whether he should be satisfied on his return to England to be called upon to take an oath of the nature prescribed by the present system, he thought it highly probable that he would answer in the negative. The hon. gentleman had stated, that if the services of his said colleague were equal to his rewards, they must have been great indeed; which words could have no other implication, than that his rewards were greater than his services merited: was not this, then, a strong argument in favour of the oath; for, was it not as much as to say, that if the oath had at that time been necessary, the gentleman alluded to, having it before his eyes, and having also objections to taking it as his circumstances then stood, would have acted in such a manner as to have enabled himself to take it with a safe conscience? By this means the evil would have been prevented, and this prevention was the chief object of instituting the oath; for many persons, though they might be inclined to submit to those temptations which that country was supposed to hold out, and which by some were represented as being almost too strong for flesh and blood to resist; yet, knowing that the consequence of doing so must necessarily be either avowing their guilt, or adding to it the crime

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of perjury, they would be restrained and prevented; and thus the oath would operate to strengthen and confirm their consciences.

The hon. gentleman had farther complained of the interrogatories which people were to be compelled to answer, after they had made a direct oath, and had represented it as a new thing thus to call upon men to acknowledge, that they had been guilty in the first instance of perjury. But surely, if the hon. gentleman had considered what were the usual modes of examining upon oath in this country (for the principal method of sifting a witness, in order to ascertain the truth or falsehood of his testimony, was to cross-examine and put such questions to him, as in spite of all his artifice and cunning should force him to speak the truth), he would find no ground of complaint, either as to the novelty or hardship of the regulation. Such was the case of bankrupts, who, though in matters that might affect their lives, were bound by law to answer such interrogatories touching their effects, as might be put to them by those intrusted with their affairs. On the whole, he should not give a negative to the present motion, because he had intended to bring forward one of an exactly similar nature, which he did not imagine he could do consistently with the forms of the House, if it were now rejected; he should therefore be satisfied with moving the previous question.

Mr. *Anstruther* complained of the attempt of the right hon. gentleman to take the merit of reforming the errors and mischiefs of the India Bill out of the hands of his hon. friend. This, however, he must consider as a plain proof of the obstinacy of the gentlemen on the other side, in passing a Bill which now, at scarcely an interval of more than a year, appeared even to themselves, to call so loudly for alteration and amendment. He was of opinion, that it was by all means more desirable, that the alteration should proceed from the immediate motion of that House, than from the clamours raised against it in India, and therefore he hoped that no time would be lost in bringing it to a speedy conclusion. He combated the doctrine of the right hon. gentleman, that the oath would operate so as to fortify and strengthen the consciences of the people in the East Indies, and prevent them from acting in such a manner as must reduce them to the alternative on their return to England, either of adding perjury to their guilt, or of furnishing a suspicion against themselves by declaring the truth. He combated this doctrine, on the grounds of its being a restraint only on the virtuous, on whom no such restraint was necessary, and as having no power whatever to restrain the abandoned, who alone ought to be the objects of coercion. It was also unfair and cruel, inasmuch as its operation being postponed for a long time, it would enable those who had, by rapacity and extortion, or other illegal means, already acquired a sufficient fortune to return home before it should take effect; whereas, those who, by a different line of conduct, had continued in indigence, were obliged to remain till after it was in force, and to become subject to it. Was it decent or fair to treat British subjects, laudably serving their country in India, as common bankrupts; and to talk of them as men whose misconduct or misfortunes had subjected them to the bankrupt laws before the House had even the shadow of a proof that they deserved to be considered in so humiliating a point of view? He was surprised that the right hon. gentleman, from the facility with which he recurred to the examples of the army and navy, had not been led to reflect how the doctrine of setting aside the trial by jury might hereafter be strengthened by the precedent now established. It might, on some future occasion, be thought advisable to extend this system to the West Indies, perhaps to other of our possessions; nay, to some part even of this island. If any opposition were then to be offered, how easily might it be answered—what objection to abolish the trial by jury in this place, when there are so many precedents in favour of the measure? Is not trial by jury at an end in the West Indies? Is it not suppressed in the East Indies? Is it not given up in the army and the navy? How then can you complain of its novelty? The right hon. gentleman had by no means established his argument to shew that the present institution was equally just and favourable to the subject as that of trial by jury: for in this the party might be condemned by a majority of the new court of judicature, which might consist of so small a quorum as seven, whereas a jury must be unanimous; and surely no person would attempt to argue, that it was as eligible to be tried by a tribunal, where the condemnation was in the power of four persons, as where it was necessary that twelve should give it their concurrence.

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Mr. *Vansittart* remarked, that as the hon. mover had particularly called on those members who served in India, he rose to take some notice of one part of his speech, which alluded to the clause of the Act of 1784, respecting the obligation on gentlemen to make oath of the amount of their property on their arrival in England from the East Indies. As that was deemed a hardship by gentlemen serving in India, he had no objection to give his consent to the repeal of it. With regard to the new court of judicature, he could not agree with the hon. gentleman, because he thought it a fair, impartial, and safe tribunal for any man to appeal to, and such as no honest man would fear to face.

Major *Scott* said, he had voted for every part of the Bill as it now stood; but he was perfectly ready to declare that there was one part of it which he earnestly wished to see repealed — he meant that which compelled a declaration of fortunes. He could not agree, that there was a difference of opinion in India upon it. From all the letters which he had seen or received, he was led to conclude that it was deemed a peculiar grievance. With respect to the judicature, he avowed his complete approbation of it; and he thought if crimes were committed in India, which afterwards came to a trial here, it was impossible to find a purer court; for offences committed in India could not, he thought, be tried by a jury in the common modes of trial.

Mr. *Jolliffe* observed, that it seemed agreed on all sides that the India Bill was defective, and required amendment; that some thought the government at home improper; that others objected to the government abroad; but that all seemed to agree that it was capable of considerable reformation. The hon. gentleman had moved for leave to bring in a Bill for this purpose; it was therefore exceedingly ungenerous in the right hon. gentleman to to resist that motion by a previous question, when he declared at the same time that he proposed to make the very same motion himself. This was taking all the merit from his hon. friend; that was saying:—"I agree with you entirely; but because you have brought forward this which every body approves, you shall not have the merit: I have the strength in my hand; I will wrest the honour and reputation from you of serving your country." With respect to the government at home, he was of opinion that Mr. Fox's Bill was the most calculated to produce good; for it gave to the state the government of the territory, which every body admitted was the property of the state, and which that House had voted to be so, and it left to the India Company the management of their trade; this was all which they could claim. The chief cause of his rising was to enter his protest against the new-adopted mode of trial; for he considered the trial by jury as the great palladium of the constitution; as the only security which Englishmen had for their lives, their liberty, or their property; as the great barrier for the people against the power of the Crown, or the influence of the aristocratic part of the country; every innovation on this right, every, the smallest, alteration of it should be watched with the minutest care. How much, therefore, should the alarm be taken at—not the deviation from this mode of trial, not an alteration in point of form, or in matter of evidence, but—an absolute subversion of it, by appointing a new, unheard-of, unconstitutional system, which, if admitted to be proper in the trial of the delinquents from India, would be equally applicable to any other part of the dominions of Great Britain.

The previous question was put and carried.

Debate in the Commons on the Militia Bill.] March 9. On the motion for going into a Committee on the Bill to amend and reduce into one act, the Laws relating to the Militia,

Mr. *Pitt* begged leave to trouble the House with his sentiments upon the subject. Endeavours had been used to represent him as hostile to the institution of the militia, because, when an hon. gentleman had applied to him for his opinion relative to one part of its regulation, he had declined at the moment to give an answer, wishing to suspend his judgment, until he could enjoy the advantage of hearing the arguments of those gentlemen who, from their being personally interested in the service, were most competent to the decision. The injustice of such a misrepresentation of his principles was so glaring, as scarcely to require an answer; for he had not given the smallest opportunity to any gentleman to say that he had expressed a doubt of the benefits and valuable tendency of the militia itself; he had only hesitated to consider whether, by a material saving to the public, the militia could be made equally beneficial to what it had

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been on its former establishment, with a view as much as possible to reconcile that great constitutional defence of the kingdom, to the principles and practice of economy. He had made every inquiry in his power upon the subject from gentlemen much better qualified than himself, how to accomplish so desirable an object, and he found that it was the general opinion that the militia ought to be called out every year. Still, notwithstanding their being annually embodied, a considerable saving might be effected without any danger to the service. Yet, if it appeared to gentlemen, that the mode which he should suggest would prove a means of rendering the militia less effective as a national defence, he would cheerfully give up his opinion; for however anxious he was on all occasions to spare the public purse, yet he could never consent to starve so valuable a part of the public service. It was always usual to keep the several regular regiments considerably under their establishment, in time of peace, because by so doing the army might become increased, in time of war, without adding to the number of the regiments, by filling them up to their full complement of men, which was certainly the most economical management that could be adopted, consistently with prudence and good policy, as it was more easy to make soldiers than commissioned, and more especially non-commissioned officers. And, in consequence of this mode being adopted, the regular regiments in time of peace never had above two-thirds of their establishment complete. He proposed that the same principle should be applied to the militia; that the whole number of men should be balloted for and enrolled, but that only two-thirds of them should be employed. Those that were to be so, being appointed for the actual duty, and to continue so during the whole period of their service, by which means, one-third of the expense of their pay would be saved, deducting only so much as would necessarily go to defray the expense of the annual muster. There would, besides, be a farther saving of one-third in the article of clothing, which two savings would amount to about 40,000*l.*

Mr. *Rolle* thought the annual embodying of the militia was prejudicial to the morals of the people, as it gave them habits of debauchery and idleness, and made them dissatisfied when they returned to their wives and families.

Colonel *Orchard* contended, that the militia did not injure the morals of the people.

Mr. *Young* spoke in favour of annually embodying the militia, that gentlemen might know their neighbours, and be able to inform themselves of their characters, as to who were poachers, drunkards, or quarrelsome, and also for the purpose of rendering the corps more serviceable.

Sir *Edward Astley* observed, that the institution, considered in a general point of view, merited the warm encouragement of the state; yet he feared that, in some respects, the present regulations were far from unexceptionable. He thought 28 days too short a period of time for the militia to be trained and exercised with any effect. He would, therefore, mention a proposal which appeared to him more likely to prove generally useful, and that was, that instead of five, the militia should be balloted for four years only, and that they should be trained and exercised for two months together in every second year.

Capt. *Berkeley* apologized for troubling the House on a question so remote from the line of his service; but he only rose to say, that a relation of his (earl Berkeley), whom no person could pretend to think the worst officer in the service, had been consulted on the subject, and had entirely coincided in opinion with the Chancellor of the Exchequer.

Mr. *Drake*, having acknowledged himself most zealously anxious for the prosperity of the militia, as the natural and constitutional defence of the country, added, that he considered the gentlemen who had dedicated their time without doors to modifying and digesting the Bill, as delegates from the meeting which so laudably turned their attention to an object of great national importance, and therefore he should bow to their authority. The gentlemen of that description had signified their approbation of the proposal of the right hon. gentleman who so excellently managed the finances of the kingdom, and their sanction was a sufficient reason for him to vote for it. As to the objection started by an hon. gentleman, that calling out the militia was injurious to the morals of the men, he must beg leave to answer, that he had not studied the distinction between civil and military morals; if he had, the consideration would, probably, have given birth to some florid ideas; but perhaps it was as well that he had not. To reconcile public

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service with public economy, was the great end of every good government; and, with this idea, he gave the right hon. gentleman full credit for the middle line of conduct which he had pointed out between expense and utility.

Sir *John Miller* felt it impossible to mention the institution of the militia, without the fullest expressions of applause. He acknowledged its utility, and hoped the country would never be deprived of so constitutional a defence. With regard to the Bill, he relied chiefly on the abilities and experience of those who had prepared it, and from confidence in their judgment he would give it his support. The sword should in a free country be placed only in the hands of those, who had property as well as liberty to preserve and defend. With regard to Great Britain, the root of her power, offensive and defensive, lay almost exclusively in her navy and her militia; they were both great national objects, and ought to be cherished and encouraged by that House. He traced the origin of the militia from the reign of Alfred, to the present period. That great and wise prince, by the aid of his militia, defeated a powerful invasion headed by Hastings, a warlike Dane. Henry the 2nd, to guard against external insult, and to provide for internal security, fixed an assize of arms, in conformity to which every subject was to be armed and disciplined. The militia of England, in the time of queen Elizabeth, amounted to 140,000 fighting men, besides what Wales could supply, all of the inhabitants in which quarter were ready to receive and properly to entertain the contents of the Spanish armada. In the reign of James the 1st, the militia of England consisted of 160,000 fighting men, all well armed and well disciplined. The civil war between Charles the Ist and the Parliament, diffused the ancient military spirit through the whole body of the people; and it was notorious, that the British name and British glory were never more revered than under Cromwell. Charles 2. imported, at the Restoration, vice, profligacy, and debauchery. The military spirit of the nation was then lost. He distrusted the militia. Brought up in arbitrary principles, he suffered the institution gradually to decay, and substituted guards and garrisons, consisting at first of 5,000, and afterwards of 8,000 men, in their room. James 2. disarmed the militia, and substituted an army of 30,000 men, declaring to his Parliament that he had found the militia useless and unserviceable by experience, and insisting upon supplies to support his increased military establishment. The subsequent reigns of William and Anne were distinguished only by wars abroad and factions at home. Many attempts were afterwards made to revive a national militia, but in vain, till that great and ever-to-be-revered Minister laid the so-long-wished-for foundation, upon which we were, he trusted, with the aid of his successor in name, virtues, talents, and situation, to raise a proper superstructure. He felt shame and mortification at our being occasionally obliged to import foreign mercenaries to defend our commerce and constitution, our liberties, our properties, and our capital. With regard to the present Bill, he hoped the House would go literally into the completion of it, and give those who had brought it forward full praise and ample aid, so as to render the militia an honourable, a useful, and an economical safeguard to the country.

Mr. Pitt's proposition was received, and the House adjourned.

Debate on Mr. Fox's Motion for the Delhi Papers.] March 17. Mr. Fox moved, "That the Entries on the Journal of the House, of the 28th of May 1782, of the six Resolutions reported from the committee of the whole House, to whom it was referred to consider farther of the several reports which had been made from the Committee of Secrecy, relating to the affairs of the East India Company, and which were then agreed to by the House," might be read. And the same having been read,

Mr. *Fox* rose and observed, that he was perfectly convinced, that, previously to all endeavours for the successful introduction of a motion for papers, effectually and substantially, although perhaps not formally similar to that which, during the course of a preceding debate, received the investigation, and—with concern he spoke it—suffered under the dissent of the House, an apology was due to them upon the principle that it must always prove indecent frivolously to trespass upon their attention. But if he ever had reason to be dissatisfied with the decision of that House; if he ever thought a motion of the first importance to the honour and dignity of the House required a re-consideration, it was the motion for the Delhi papers; and that, because the decision

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the House had come to when they negatived it, had proved a decision in the teeth of the resolutions just read, and in defiance of every sound and solid argument advanced in support of those resolutions. It was, therefore, for no light or trivial purpose that he again begged the House, for the sake of its own dignity, for the sake of its own honour, for the sake of national justice and national character, to re-consider what they had decided upon, and, before they confirmed a denial of the Delhi papers—which denial, it appeared to him, they could not confirm, without loading themselves with disgrace—and impeaching their own honour and dignity—to weigh well what they were about, to reflect a little on the frivolous point of view in which such an ill-judged confirmation would place their own resolutions, and the effect which it must necessarily have upon the conduct of the Company's servants in India. He begged them also to recollect, that in passing the resolutions of the 28th of May, 1782, they had held out to the country powers of India a code of wise, wholesome, and salutary laws, as the basis of the conduct of the British government in India in future; and that the House had, in fact, pledged itself to adhere to the letter and spirit of their own resolutions. These were surely great and important considerations, considerations which ought to have a deep effect on the minds of gentlemen before they gave a vote, which must involve in it so many and such interesting consequences. Some persons had supposed that our Government and Constitution were attended by certain disadvantages with respect to their intercourse with foreign states, arising from the public manner in which many important parts of our administration must necessarily be conducted; but from this evil, if an evil it was, a most important good would be found to result, when it was considered how far this publicity tended to create a confidence in all other nations, and how strongly it contributed to bind us to certain defined and specific modes of political conduct. From hence it arose, that we could lay down (as we had done in the present instance) a particular system of proceeding, for the due observation of which all those states might reasonably look to us; an advantage not in the power of any arbitrary government whatsoever; for if a king were to issue an edict, setting forth the principles by which he intended to conduct himself with respect to foreign nations, it would be received only as a notification of the will of the minister of the day, who, by death or disgrace, might lose his situation, and leave room for a successor of different sentiments, who, of course, would pursue a different line of conduct; whereas, with us, when the British House of Commons published a system of foreign administration, they not only committed the whole nation in the persons of their representatives, but absolutely bound individually, as well all those who had already been ministers, and had a prospect of being so for many years to come, as those who were so for the present. That he might, if possible, still more impress the House with a proper idea of the magnitude of the duty which they had engaged to perform, when they voted the resolutions of 1782, he should not hesitate to describe them as measures of a strong nature, and affording, he believed, the first instance of that House thinking that it became them to depart so far out of their immediate province, as to interfere with any part of the exercise of the executive government; a circumstance which they certainly would not have consented to, but from the extraordinary complexion of the case, which seemed to call for peculiar notice, and a peculiar mode of proceeding.

Having premised these observations, Mr. Fox entered into a discussion of the principles on which the House usually called for papers, declaring that they never did it lightly; and being conscious that they ought not to do it lightly, he never had, nor would attempt to move for any that he was not convinced were absolutely necessary for some great and useful public purpose. The House, he was aware, ought not to grant any other; and, it was true, he was willing to admit, that papers necessary for some great and useful public purpose might be called for, the producing of which might, nevertheless, be attended with mischief to the state, of such a dangerous tendency, as would more than overbalance the good that might arise from the purpose being answered for which they were moved, and which, therefore, afforded his Majesty's ministers sound and cogent reasons for refusing them; and, under such circumstances it was undoubtedly their duty to refuse them. But though he was ready to admit this, yet he held, that in all such cases, the refusal ought not to rest solely on the bare *ipse*

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dixit of a minister; that many questions of confidence might, it was true, be agitated, on which a minister's word ought to be taken; but then, something, at least, ought to be stated, in order to convince the House that mischief might arise if the motion were complied with.

In regard to the motion in question, the motion with which he should conclude what he had to say, for the Delhi papers, it had been on a former day stated by his right hon. friend, the avowed accuser of Mr. Hastings, that those papers were material to the matter in charge, and therefore they had been called for; but, material as they were, if they were not granted, his right hon. friend had declared, he already was in possession of sufficient materials to prove and make good every thing that he had said at various times respecting the delinquency of the late governor-general of India: his character, therefore, was safe, and on shore. This, Mr. Fox said, which he was satisfied was perfectly true in respect to his right hon. friend, he wished was equally true in respect to that House. He wished that House to be on shore, and its character safe; and therefore it was, that he should again call for the papers. But before he did so, let the House recollect upon what ground the papers had been once refused. It had been stated by the right hon. gentleman opposite to him, that the papers were not essential to the charge against Mr. Hastings; that they proved nothing, Mr. Hastings not having authorized major Brown to enter into a treaty with the shah; and, thirdly, that they involved in them secrets respecting the negociations that had during the war been carried on in India, the divulging of which would tend to disturb the tranquillity of the respective Powers concerned in those treaties, and to induce consequences that might be attended with danger to the British state.

For his own part, he was confident that he should not experience much difficulty in proving that these grounds of denial either did not apply, or were not sufficiently material to justify withholding the papers; and to establish his position he might venture to rest much of his reasoning on the letters of major Brown to Mr. Hastings. It was manifest that a treaty of offensive alliance had been negociated with the Mogul, which was directly contrary to the express resolution of that House. It was manifest, from major Brown's letter, that Mr. Hastings had authorized that negociation, and that, in major Brown's opinion, good faith, morality, and justice, required that assistance should be afforded the Mogul, in compliance with the terms of that treaty. The emphatic words of major Brown's letter were, "we have offered to treat; he has accepted: we have annexed conditions, he has approved of them." The words proved incontestably that the treaty commenced by voluntary offer on our part; and the subsequent words in which major Brown in his letter proceeds to urge Mr. Hastings, for the sake of the good faith, morality, and justice of the British nation, to send troops to the assistance of the Mogul, to lay siege to certain districts of country, in order to drive out the inhabitants, and to give the lands to the troops for their subsistence, proved equally forcibly that the treaty was a treaty of offensive alliance. It was evident that the resolution of the House had been trampled on and contemned by Mr. Hastings in this instance; and it was more than matter of suspicion, that the treaty was never intended to have been concluded when it was begun. When, during the former debate on the same subject, he was complaining that the resolution had been infringed by Mr. Hastings, who began to negociate a treaty of offensive alliance, the Chancellor of the Exchequer had thought proper to say across the House, "a treaty never completed;" he therefore must beg leave to know whether he was to understand from those words that it was taken as a merit that the Company's servants in India got into this dilemma; they had violated the resolutions of the House by commencing a treaty, which local or temporary policy might appear to make it expedient to commence, and then they had violated the national faith by deceiving the Mogul, and refusing to conclude the treaty so commenced; thus proving to the princes of Hindostan how little security was, on the one hand, afforded them by the code of laws held out to them in the resolutions of the British House of Commons, and how little safety was, on the other hand, to be acquired by entering into treaties of alliance with the British government in India.

He felt himself thoroughly justified in contending that, in spite of any narrow principle which temporary distress or local circumstances might seem to call for, such as keeping the Mogul out of the hands of

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the French or of Tippoo Sultan, it ill became a nation of great weight and character, like Great Britain, to depart from general systems, founded in wisdom and in justice, for any such petty considerations; that if such narrow policy were to justify a departure from a great parliamentary system, there was an end of the utility of laying down a code of laws, to be made the foundation of a government, of simplicity, of publicity, and of good faith. In fact, the whole of the negociation had been secretly carried on by Mr. Brown, as the agent of Mr. Hastings. With respect to the ground of refusal of the papers, on the plea that their production would betray some secrets of negociation, the divulging of which might disturb the tranquillity of the powers of Hindostan, and prove dangerous to the safety of the state, he must candidly confess that it was most difficult to meet it with any argument; the other side of the House having given him so little to lay hold of, and not having said enough to enable him to guess even at what the danger could possibly be which would arise, were the state secrets, which they so much dreaded to lay open, to become divulged. Situated, however, as he was in these respects, he could, without hesitation, declare, that no government secret of any kind could justify the withholding papers which were to enable the House to support and substantiate the resolutions to which they stood solemnly pledged. For what was it but to say to the princes in India, "We know our servants have committed delinquencies, and we are convinced that they have broken faith with you; but we must not inquire into their conduct, because that would betray state secrets, that would develope state mysteries, which must be kept sacred!" Would not every man in India laugh at so absurd a reason for refusing to do justice? Would it not plainly appear that the Board of Control, and that House, were following the exact steps of the old Boards of Directors? That they were laying down complete systems of ethics in their orders and resolutions, but refusing to take the only means possible to enforce their performance? The effect of such conduct was too manifest to need illustration. Instead of reformation in India, it would encourage abuse, and increase delinquency; the Board of Control and the House of Commons would be answerable for having suffered the Company's servants, employed in the government of India, to believe themselves secure from inquiry, and safe from punishment. What was it but to put it in the power of a minister to interfere in every investigation, and, by his single *veto*, put a stop to the process, and defeat the aim of that House in the exercise of its first great constitutional character—that of the grand inquest of the nation? Armed with such a power, to what lengths might not a minister proceed? Every criminal, however notorious his delinquency, however numerous his crimes, however injurious to the national honour, would only have to secure the minister's protection to be able to laugh at accusation, and set conviction at defiance!

Much had been said by the friends of ministers concerning secrets; but there could be no secret in question; nor could the papers called for possibly make any thing public which was not already well known in India. If it were asked why he, who was so strenuous for the publishing of every matter relative to India, and so urgent in contending that nothing respecting that country ought to remain a secret, did not hold the same argument with respect to the European Powers, and in like manner maintain that nothing which regarded treaties and negociations between the court of Great Britain and any court of Europe, ought to be made a state secret in that House, by any of his Majesty's ministers, he would answer that question by proposing another. Had that House ever expressly laid down rules of administration for the executive government with regard to European Powers? Most certainly it had not; and that for very clear and obvious reasons. Why had it done otherwise with respect to the administration of the executive government of the British possessions in India? Because from the series of abuses, mismanagement, and delusion, which had crept into the conduct of the executive government in India, the British honour was tarnished, and the native princes no longer had confidence in British faith. Nothing, therefore, but the interference of Parliament could redeem the national credit, and restore it in the eyes of the country powers in Hindostan. Having so interfered, and having laid down the code of laws which could alone support a system of government adapted to the nature of the case, and likely to regain the confidence of the native princes—a system of government founded on simplicity, publicity, and good

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faith, would that House, on the mere pretence of a state secret, without the smallest information to prove that there was a real state secret in the way, with nothing more than a minister's *ipse dixit* for it, shut their eyes to what every man who was not wilfully blind must see the necessity of—to their proceeding to substantiate their resolutions and fulfil their promises, to which they all stood so particularly pledged? Even yet, however, he should not relinquish his hopes that the right hon. gentleman (Mr. Dundas) would rescue the House from the disgrace of having been persuaded by him to vote resolutions, which, if the papers were refused, it would be fair to say he never meant should be acted upon. Let the right hon. gentleman recollect what had been done last year by the Board of Control respecting the debts of the nabob of Arcot. If he did not know the circumstance, he would possess him of it; but most probably he knew it more correctly than he did; if he did not, however, he would inform him of the fact. It was this:—that so far from the management then made being attended to, new loans were at this time going on, and new debts contracting. Mr. Fox concluded with moving, "That there be laid before this House an Extract of Bengal Consultations, dated 20th January, 1784, as far as relates to any Letter received from major Brown, dated the 30th of December, 1783."

Mr. *Pitt* observed, that could he entertain a wish to have the question totally thrown aside, his wish might, with facility, be completed; because as no parliamentary reason could be assigned why a motion should be made twice in the course of the same session for the production of papers, more than for any other purpose, he might object against and absolutely prevent its introduction; yet, in the present case, he would not avail himself of the standing order, as he felt an inclination to answer some parts of the right hon. gentleman's argument. He agreed with almost every one of the right hon. gentleman's principles, as well with respect to the policy of the East India government, as with respect to the right and duty of that House to inquire into all the abuses which might arise in it; but in the conclusions which he had drawn from those principles, he widely and completely differed from him. He had formerly given his sentiments concerning the subject of granting official papers for the purpose of facilitating a criminal inquiry, and he would again briefly repeat them. He was of opinion, that, on a motion for papers with such a view, it was necessary, first to shew a probable ground of guilt; next, that the papers required were necessary to substantiate that guilt; and lastly, that they might be made public without any dangerous consequences to the state. He should argue the present question on those principles; and if the House should not be perfectly satisfied that on each of them the motion ought to be rejected, he should acquiesce in their opinion. The right hon. gentleman had charged Mr. Hastings with a number of offences, to which, as he contended, the papers now required had a reference. The first charge was, that he had entered into an offensive alliance with the Great Mogul, and, by so doing, had acted in defiance, not only of the order of the court of directors, but of the resolution of that House, in approving of those orders by which they had prohibited the government of Bengal from entering into any offensive alliance with the Powers of the East. In the first place, those resolutions, which, he admitted with the right hon. gentleman, were singular in themselves, and only to be accounted for and justified by the peculiar situation of the affairs of India, did not prohibit, in strict and implicit construction, every particular alliance of the nature alluded to, but only restrained a wanton habit of making such engagements; for it would prove highly impolitic and absurd to forbid, in all cases whatsoever, the making of offensive alliances, as situations might occur in which they would be indispensably necessary; but in the present case, it was needless to inquire into the latitude which was left to the servants of the Company in India, to exercise a discretion in the forming offensive alliances, as he could shew that, in this at least, there was no such alliance either formed or authorized by Mr. Hastings. The right hon. gentleman had entertained a presumption from the letter of major Brown, that he had been commissioned by Mr. Hastings to negociate a treaty of offensive alliance with the Mogul, and this was the only ground of such a suspicion: the most satisfactory method of course, in which that question could be ascertained, was, to read parts of major Brown's correspondence, and to try whether it contained any thing either to contradict or to confirm that presumption; this he had accordingly done, and should

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again read a part of it to the House, by which they would become enabled to judge how far the right hon. gentleman was justified in presuming, that Mr. Hastings had employed major Brown to conclude the alliance in question.

It was necessary for gentlemen to look back upon the situation of India at the period when the transactions took place, by which it would be found, that then a most dangerous attack was made on the Company's possessions by the European enemy of this country, in conjunction with the most formidable of all the princes of India, Tippoo Saib: that the last-mentioned prince, well knowing the influence which the name of the Mogul had upon the feelings and the prejudices of his countrymen, was exercising all his endeavours to bring him over to his interests; that he was making him offers of assistance in reinstating him in the power and consequence which he had lost, and even of great sums of money to bribe him into his party; and that if he had succeeded, an insurmountable addition would have been made to the difficulties under which the English government had to struggle. That in order to counteract this, it became necessary for the servants of the Company to exert themselves to the utmost to ingratiate themselves with the court of Delhi, and by such means secure to their employers that great body of strength and influence which would naturally result from the countenance of the shah; and this more especially, as the Mogul had recently lost his minister, a person highly serviceable to the British administration, being closely connected by ties of friendship with the Vizier, who was a decided favourer of this country; and that it was determined by the unanimous voice of the council to send an ambassador to Delhi, in order to secure as much as possible an amicable disposition in that court. That Mr. Hastings appointed major Brown to the embassy, and that his instructions were, first, to fulfil the formalities of respect and compliment to the person from whom the Company acknowledged to hold all their possessions; next, to condole with him on the death of his minister; and, lastly, to consult with him on the means of restoring him to that power and consequence which his predecessors enjoyed, but which he had been deprived of. He was also to encourage with as much address and delicacy as possible, overtures of an alliance and applications for assistance from the Bengal government, but was expressly directed to avoid any positive engagements until he should have referred to the council the proposals made by the Mogul; and particularly, an account of the manner in which any force the presidency might afford him were to be employed, and the resources by which it was to be paid. These were the objects of major Brown's mission: the consequence was, that the Mogul, unwilling to espouse the party of Tippoo Saib and France, expressed a willingness to enter into a treaty of an offensive nature with the government of Bengal, of which major Brown gave notice to the council, who refused to enter into it. This circumstance of the attempts of the French and Tippoo Saib, to unite to their joint powers the authority of the Mogul, reminded him of what had dropped from the noble lord (North) during the course of a former debate. The noble lord had paused for some time, to consider what connexion there could possibly be between any European power and the court of Delhi, and had particularly alluded to France—"What," said the noble lord, "has France to do with Delhi?" and the noble lord attempted to turn into ridicule the idea of supposing that it was necessary to secure that court, to prevent its falling in with the views of our enemies; but from the facts which appeared upon the face of major Brown's letter, on which, for other purposes, so much reliance had been placed, the noble lord might inform himself better respecting the subject, and see that France had very material objects in view in an intercourse and connexion with the court of Delhi. [Mr. Pitt now read that part of major Brown's instructions to which he had referred before, whence it appeared from that gentleman's own words, that he was expressly restrained from concluding or even proposing any treaty, until he had laid the whole progress of his negociation before the council, and had their approbation to proceed upon it.] Mr. Pitt was asked from the other side of the House, what was the date of the letter? He informed them; and added, that the date led him to another circumstance entitled to particular observation, and this was, that the letter bore a date subsequent to one of the periods in which the right hon. gentleman supposed Mr. Hastings to have given the instructions against which he complained. If, therefore, any such instructions were given, it must, according to the right hon.

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gentleman, have been at the time when Mr. Hastings met major Brown at Lucknow; but the right hon. gentleman had marked that as the time when it was determined to depart from and violate the treaty, so that it was impossible that he could then have given any such instructions. Thus, he apprehended, he had sufficiently proved, that no such treaty was ever undertaken by Mr. Hastings, and so it became impossible that the other charge, of having departed from and violated his treaty, could have any place or authority whatsoever. The right hon. gentleman had also accused Mr. Hastings of prosecuting his negociations with the Mogul without the privacy of the council, contrary to the duty of his station; but here again were the records of the council to contradict him; for, as the letters of major Brown proved that he had not begun a negociation for an offensive treaty at all, so it was proved by those that he had never intended to do so without applying to the council for their encouragement.

He should now trouble the House with some brief remarks concerning the charge of having suffered the Mogul to unite with the Mahratta Powers, which a right hon. gentleman (Mr. Burke) had said it was his duty, by force of arms to have prevented; but before he went farther on that subject, he begged gentlemen to advert to the inconsistency of one gentleman's complaining of a governor for entering into an offensive treaty, and another as bitterly inveighing against him for not actually taking up arms, and this from persons who appeared to go hand in hand in the whole proceeding! With respect to this union of the Mogul with the Mahrattas, he should only observe, that if that had not taken place, one or the other of these two circumstances must have occurred; either he must have fallen into the hands of the French and Tippoo Saib, or become connected with the East India Company by such an alliance as was now so severely reprobated. But, in fact, if he were inclined to do what his duty restrained him from doing,—tol ay open secrets, of which the interests of the country required a concealment,—he could easily prove, that the junction of the Mogul with these potentates was of the highest advantage to the Company. The right hon. gentleman had objected to the mode in which the court of directors had inquired into the negociation with the court of Delhi, making major Brown the object of their inquiry instead of his employer, Mr. Hastings, whom they entirely passed by; but surely, it was a severer method against the principal to apply to the agents in such cases, for it was putting him on his guard, and pointing out to him the necessity of proving against his employer all such facts as, if brought home to him, must, in the end, come upon himself, and was of course adding one person more (and him the most deeply interested) to the list of the accusers; so that in truth, the calling upon major Brown in the first instance, was the most likely way of bringing forth all the circumstances against Mr. Hastings, supposing the transactions to have been criminal, whilst it by no means tended to produce any thing in his favour.

From all this it must appear, that there was no presumptive ground for a charge of criminality sufficient to warrant the disclosure of papers alleged to be of a dangerous tendency; but, as the right hon. gentleman had said so much on that head, he should take up as little of the time of the House as possible to give him an answer. He believed, if he were determined to prove to the House, that the papers were really dangerous and improper to be made public, he could do it in a very short and compendious way, to which he confessed he should prove extremely averse. This method, in short, was, by producing them; for he would undertake to say, that were they to be read by the members, there could be but one opinion upon them, that of censure against him for consenting to grant papers of a nature so extremely delicate, and so likely to injure our interests in India, by exposing to each other the views and considerations under which each of the princes of that country had been governed in their arrangements with us. He had been called upon to point out how the production of the papers would prove dangerous; but surely by making the attempt he should literally incur the danger; for how could he explain the danger of communicating secrets, without in a great measure making the secrets themselves known? He had already said as much, and perhaps more, than he could with safety say upon the subject; and doubtless it could not be supposed, but that if he consulted his own ease rather than his duty, he must wish at once to consent to granting of the papers; and indeed, when he considered, that as yet, all the papers granted were of a nature cal-

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culated to support the charges against Mr. Hastings, and that those now moved for were such, as would place in a conspicuous point of view, the most meritorious and brilliant part of his administration, he could not help lamenting, from motives of compassion and justice, that in compliance with his duty, he must object to their production. The right hon. gentleman had attempted to shew, that on the same principles as those on which the present motion was objected to, any public delinquent might be screened from punishment and the censure of that House by the bare *ipse dixit* of the minister. That the documents necessary to the proof of his guilt could not be produced with safety; but when circumstances such as he had mentioned, as well of the innocence, nay the merit, of the transaction imputed as criminal, as of the extreme delicacy of the papers demanded, were urged, could it possibly be said, that the question rested upon the *ipse dixit* of the minister? Or could a precedent be established under such circumstances as the present, which could ever apply to cases wherein those or similar circumstances did not exist? Where, on the contrary, they occurred, he trusted that all precedents would prove unnecessary, and that the House, guided by the plain rules of common sense and political expedience, would never meet such applications with their unmerited concurrence.

Mr. *Sheridan* remarked, that in spite of the extensive talents and brilliant eloquence of the right hon. gentleman, his observations were much too barren of solid argument to constitute a refutation of the reasoning of his right hon. friend, who had unanswerably contended for the production of the papers, upon the proof, which he as irrefragably established, that they contained the clearest and most incontrovertible evidence, of a negociation for an offensive alliance entered into by Mr. Hastings with the country powers; nor had his right hon. friend maintained by less unquestionable allegations, that were these wonderfully secret papers divulged, no danger whatever could accrue to the state from their publicity. For his own part he must confess, that were he to place an approving confidence in the measures of an administration, and any hon. member should move a question for papers affecting the executive government of the country, and his Majesty's ministers who were to be responsible, should stand up and declare, that the granting the papers would prove dangerous to the state, he would desist from pressing such a motion. But was this the case now? No; the right hon. gentleman, as his Majesty's minister, was not responsible for the administration of the executive government of India; that government was not the government of his Majesty, whose name and authority had no connexion with it; it was merely the government of a trading Company, conducted by their servants, and therefore all ideas of confidence in the King's ministers were out of the question. What was the Board of Control? Nothing more than another Board of Directors, of a superior order indeed, and nominated by his Majesty in the first instance. But it was rather curious, that the right hon. gentleman (Mr. Dundas) should be one of the persons, and perhaps the principal, in talking of India secrets, and refusing necessary papers on that ground, when he himself had formed his own motions for papers in 1781 and 1782, in the broadest and most general words; calling for all the papers relating to the revenue, the civil government, and so on: at that time, and it was a time of war, nobody dreamt of a secret respecting India. How happened it, then, that when the conduct of lord Clive was under inquiry, when every other India inquiry was going on, that from the earliest periods it had never been discovered, that there might be a state secret in India, till the year 1786. It was downright nonsense to talk with a grave face about secrecy and the dangerous tendency of letting the papers moved for be seen, when it was well known, not only what were their contents, but every transaction to which they alluded.—In order more fully to convince the House that the papers would establish a most extraordinary series of duplicity in the conduct of Mr. Hastings, respecting the negociation with the Mogul, Mr. Sheridan went into a detailed investigation of every minute circumstance of the transactions of major Brown, from the time of his leaving Calcutta, in October, 1783, to the arrival of Mr. Hastings at Lucknow, with all the relative facts of the flight of the son of the Mogul; of that prince's reception by Mr. Hastings and the nabob of Oude; the seizure of the old minister of the Mogul by the vizier Aphrasaad Cawn, and the putting the Mogul into the hands of Madagee Scindia; reasoning upon each particular as he proceeded, and de-

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ducing such inferences as he conceived the premises clearly warranted: all these, he contended, concurred in proving, that Mr. Hastings had acted in a manner so intricate and extraordinary, that though he by no means wished it to be understood as suggesting it either as a charge or an insinuation, that Mr. Hastings was conscious of being guilty, yet with the purest innocence on the part of that gentleman, the suspicion to which it gave rise (at least in his mind) was, that Mr. Hastings, from an idea, that the party he considered as his political enemies were in power at home, might entertain a wish to provide himself a refuge at the court of Delhi.

Major *Scott* said:—The hon. gentleman who spoke last, has treated the subject in so extraordinary a manner, that I am absolutely lost in astonishment, and find it impossible for me to follow him; yet I will endeavour, Sir, by a plain and faithful relation of facts, to render the subject intelligible to the good sense of this House. But before I proceed to detail the circumstances of major Brown's negociations, permit me to remark upon a most extraordinary supposition in the conclusion of the hon. gentleman's speech. One way of accounting for major Brown's proposal for the British government of Bengal to assist the King with troops, is, that it was entirely agreeable to Mr. Hastings; and what renders it so suspicious is, that these troops were not to have British officers. The conclusion meant to be impressed upon the House was, and indeed it was stated too plainly to be misunderstood, that about the time this proposal came from major Brown, Mr. Hastings had intelligence of certain events in England, namely Mr. Fox's India Bill, and that he was providing a secure retreat at Delhi, where he might resist the power of this country. An attention to dates oversets this suspicion in an instant. The proposal for troops was originally made in October, 1783, and the right hon. gentleman did not bring in his Bill till the following month. No one can believe that I had the most distant idea of the heads of that Bill; even the then chairman of the Court of Directors, sir Henry Fletcher, professed his utter ignorance of it, till it was opened in this House: so that at once there is an end to this suspicion. At a subsequent period, in May 1784, Mr. Hastings had heard from me that the Bill had been twice read, and committed. In his reply to that letter, he had prophesied the fate of the Bill; he said it never would pass: and many gentlemen in this House have seen the letter. But, he added, that to him it was not of the smallest consequence, since not all the powers upon earth should detain him another season in India, unless upon one condition—that of having complete power from England; and of that he had not the smallest expectations. He kept his word, for he quitted in February 1785, seventeen days previous to the appointment of his successor in England. But admitting for a moment, that Mr. Hastings, feeling strong resentment for the unmerited reproaches cast upon him in England, in return for preserving an empire to Great Britain, had determined within himself to resist that Bill; is there a man who supposes that any thing so absurd, as what the hon. gentleman has insinuated, could have entered into his head? What, Sir, to trust himself with six miserable battalions of seapoys, without British officers, in a country where there have been, for the last ten years, almost as many assassinations and revolutions as months? No man who knows any thing of India, can, for a moment, entertain such a thought. There was one, and but one way by which such a plan could have succeeded, acting heart and hand with our countrymen in India: but Mr. Hastings at Delhi would have been more inconsiderable than Mr. Hastings in London. If he had entertained such ideas as the hon. gentleman would impute to him, Calcutta and not Delhi, would have been his seat of government; but in truth, he was anxious to conclude his business with the vizier, and to embark for his native country.

I shall now beg leave to reply to all the ingenious arguments of the hon. gentleman by a strict relation of facts. On the 20th of August, 1782, major Brown was by the governor-general and council, not by Mr. Hastings, appointed minister from the British government to the Mogul: the instructions were given by Mr. Hastings, with the knowledge and concurrence of the board. The policy of the embassy has not been disputed. In March, 1783, these instructions were rescinded. In October, 1783, before major Brown had had an interview with the King, a proposition came from his Majesty and his Minister, to the governor-general and council, for troops to assist him. The Mahratta peace, which had not been ratified when major Brown was deputed, was at this time fully settled: Mr. Hastings recommended

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a compliance with the King's request, but his council rejected the proposition, and there it ended. It is necessary to observe that at this time, and for some months before, very violent disputes subsisted in the council, and Mr. Hastings was in a minority. These disputes continued, till in the latter end of December the Board agreed to leave the province of Oude to the management of Mr. Hastings, he relieving them from the responsibility, and he consenting to it. On the 20th of January, 1784, major Brown's letter of the 30th Dec. 1783, was received and sent in circulation to the other members. The business of Oude was at this time the great subject of attention, and the Board had two months before declared to assist the King. In ten days after this, Mr. Hastings, still in a minority, quitted Calcutta, and expressly confined by his credentials to the execution of that business for which he was deputed, namely, to assist the vizier in settling his country and to recover the debts due from him to the Company; the power of removing major Brown lay with the Board in Calcutta, who were not at that time, nor were till just before his departure for Europe, very well inclined towards Mr. Hastings: they did not remove him; but there was no farther application from him or the King for military assistance at that time. In May, while Mr. Hastings was deeply engaged in arranging the affairs of the nabob vizier, the prince arrived in the vicinity of Lucknow; and I can assert that Mr. Hastings was utterly ignorant of his flight, and took every step in his power to prevent his coming to Lucknow; but when it was not to be avoided, he thought it proper to receive him in a manner suited to the dignity of his station. His answer to the prince was surely wise and true. The King and his minister afterwards sent a formal embassy to require the prince's return, and major Brown was charged with separate commands from the King: whether Mr. Hastings was right or wrong in his judgment, it is certain that he thought this a favourable moment to assist the King. He earnestly pressed his council to grant him authority, but they peremptorily refused it; and here this second negociation ended. Mr. Hastings never buoyed the King or the Prince up with an idea that he had any power to assist them, without first receiving the sanction of his council.

Lord *North* said, that the hon. major had declared that the supreme council at Calcutta refused to assist the Mogul with any troops: yet, strange to tell! in the letter from major Brown were these words: "We offered to treat; he accepted: we annexed conditions; he approved of them." This, surely, was dealing in plurals! Might it not, therefore, without absurdity, be concluded, that the council at Calcutta had said 'no' to major Brown, meaning that major Brown should say 'yes' at Delhi? But, doubtless, the ingenuity of the hon. gentleman could either explain away or bring into full consistency the singular disagreements in the accounts of the transaction. Having remarked that he felt it necessary to repeat his declaration, that the French had nothing to do at Delhi, lord North concluded by desiring Mr. Dundas to accept his congratulations upon the vast renown which he had acquired by formerly moving the resolutions, and at the same time to give him credit for the assertion that had he now maintained them his political reputation would have received a most considerable increase.

The House divided:

Tellers.

Yeas	Mr. North Sir James Erskine	73
Noes	Mr. Eliot Mr. Rose	140

So it passed in the negative.

Debate on the Bill to explain and amend Mr. Pitt's India Bill.] March 16. Mr. *Dundas* said, he did not mean to go largely into the subject of his intended Bill, as it had so lately undergone a discussion in that House, and as he conceived the second reading of it, or when the Bill should be in a committee, would be the proper time for gentlemen to offer any objections to it, that they might think proper to make, and for him to endeavour to answer them. At present he would just state the heads of the principal alterations that he proposed to make in the present Bill. These were, first, in regard to election of persons to serve in council. As the Bill of 1784 stood, it confined it to the servants of the Company in India; but he meant that it should comprehend also the servants at home as well as those in India. Another alteration was, an addition to the principle of the Bill; for, instead of leaving every thing to be decided by the voice of the majority of the council at Calcutta, he

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meant to give the governor-general more power than he at present possessed, and to let him decide upon every measure whether his council agreed with him or not. A third alteration would be that of empowering the governor-general to nominate a successor to sit in council on the death of any one member, instead of the eldest in service succeeding as a matter of course. He intended to entrust the directors with the power to decide as they thought it most for the benefit of their service, whether the commander in chief should have a seat at the council or not. At present the commander in chief enjoyed of course a seat at the council. A fourth alteration would be with respect to promotions in India: according to the Bill of 1784, the Company's servants were all to rise by regular gradation; but gentlemen would see in a moment, that, as there were different heads of service, so a regular rise must in some cases prove inconvenient, and therefore he meant to divide the servants into their respective classes, and enact, that each class should rise regularly. In regard to the part of the Bill, which obliged the servants of the Company, on their coming home, to deliver in the amount of their fortunes, and also an account how they had disposed of any part of their fortunes in India, upon oath; he had taken considerable pains to ascertain what it was of which the gentlemen serving in India chiefly complained respecting that part of the Bill of 1784; and he found that what chiefly distressed them arose from two operations of the discovering clauses; the one was, the being obliged to give an account on oath, of the precise manner in which they had disposed of any part of their fortunes in India, and the other the publicity of such an account, by its being put upon record after it was made. He admitted that various ways might arise to occasion gentlemen to dispose of considerable sums in India which no man would wish to have known. Particular sums might be given to particular persons; connexions both male and female might absorb a large portion of a gentleman's fortune; and it would undoubtedly be vexatious to have an authentic account of such money made a matter of public record. He meant therefore to leave out of his Bill the clause which respected the disposal of every servant of the Company's money in India, and also to let the account of the fortune they brought home be made secretly, and kept secret unless in particular cases where it would not prove right that it should remain secret. These alterations would, he trusted, relieve the minds of gentlemen in India in a great measure from the uneasiness which that part of the Bill might have occasioned, and at the same time the great end and object of obtaining an account of the fortunes which those who returned home had made would be answered. Another alteration was, in respect to the mode of balloting for the petty jury to try persons charged with having committed crimes and misdemeanors in India, after their arrival in England. As the Bill of 1784 stood, 200 members were obliged to be present before the House could proceed to ballot. This was extremely inconvenient; and therefore he meant to omit that part of the Bill, and then the ballot might more easily be conducted, and in a way equally impartial, by having balloting lists prepared a sufficient time previous to the day of ballot; by which means a greater number of names would be before the House for election. Under all these circumstances, he felt it necessary to move "for leave to bring in a Bill to explain and amend the India Bill of 1784."

Leave being given to bring in the Bill,

Mr. *Francis* moved, "That it be an instruction to the gentlemen who are appointed to prepare and bring in the said Bill, that, in preparing the same, they do never lose sight of the effect which any measure, to be adopted for the good government of our possessions in India, may have on our own constitution and our dearest interests at home; and particularly that, in amending the said Act, they do take care that no part thereof shall be confirmed or re-enacted by which the unalienable birth-right of every British subject to a trial by jury, as declared in Magna Charta, shall be taken away or impaired."

The motion, which was seconded by Mr. Sheridan, was negatived by 85 to 16.

March 22. The House having gone into a Committee on the said Bill,

Mr. *Francis* remarked, that he should trespass but little upon the attention of the House with strictures concerning the new powers given to the governor-general by the Bill in question, because, as he had already entered into a wide and ample discussion of the subject, it would prove not less tiresome than unnecessary to travel a

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second time along a path so beaten; but he trusted that he should not appear to press too much upon their patience whilst he followed up the amendments (according to the order in which they stood) with some natural observations. It appeared that the law of 1784, which (were credit given to the ministerial eulogiums on its merits) was so perfect and so completely provided for the good government of India, that not the smallest occasion arose to mention the subject in the King's Speech, had already produced doubts, difficulties, embarrassments, and expedients; and he must beg leave to ask whether that clause, respecting the nomination and appointment of the covenanted servants of the Company by the court of directors to supply the vacant offices of counsellors, was meant to extend to persons who were no longer on the list of covenanted servants? There was a bye-law, or resolution of the directors, by which any person on their Indian establishments, who should have been a certain time in England, became dismissed from their service. Did the clause therefore abolish that bye-law entirely, or did it only remove the prohibition from the office of counsellor? Was long residence in England to be a bar to a man returning to a low office, but not to his being appointed to a high one? That would prove a strange situation; and yet it appeared to be the effect of the clause. With regard to the next clause, which stated its having been enacted, that as often as the number of members of any of the councils of the three settlements of Fort William, Fort St. George, and Bombay, should, by death, or absence, or sickness, be reduced to two, had been productive of difficulty and embarrassment, was that the fact? If it was, he should be glad to know what difficulty and embarrassment it had produced? The next clause gave the governors of the respective presidencies power to fill up any vacancy in council, by appointing at their choice any person on the spot; and this power gave each governor the command of the vote of the person so nominated. It also gave them a power of putting a junior servant over a senior, a matter which, in his idea, appeared irreconcileable to the established rules of the service; and as to the idea of such person's holding his seat till the vacancy was duly supplied, and then returning to the office he before held, it was a most absurd idea to place and displace a man in a great office. How could he go back to his subordinate station? With regard to the next clause, that separating the office of commander in chief from the office of a counsellor, he must beg leave to remind the committee, that the faith of government had been pledged to general Sloper when he went out commander in chief, that he should hold his seat at the Council-board, and now that faith was about to be broken on an *ex post facto* law. The next clause by which the offices of commander in chief and governor-general were united in the same person, created a most dangerous union of power in the same hands. Was it meant that earl Cornwallis should take the field? What! take the civil government of India, which rested on him alone! That was a monstrous idea; but even if that were proper, the change was unnecessary, as earl Cornwallis would command general Sloper of course, as his senior in the King's service, whenever they were in the field together, provided that a single company of the King's troops were joined to those of the Company. Another clause empowered the governor-general and the governors of Fort St. George and Bombay, to act without the concurrence of their respective councils. Then why have a council at all? By the same clause the council were to sign against their opinions, and it was provided that the governor-general must take an oath. Earl Cornwallis was a peer. Would not the House believe him on his honour? Was his former oath stronger than his word of honour solemnly pledged? This was an odd obligation to impose on a peer, whose word of honour decided on the life and death of his brethren of the peerage; and it was not a little extraordinary that, by the words of the oath, the governor-general was to swear he was convinced. An oath was surely no argument. It reminded him of Lord Peter in Swift's Tale of a Tub. Was it to be imagined that a case could exist, in which three persons of character should say no, and one should say yes, and that the one ought to carry it? He declared solemnly that he could not conceive such a case, and he defied any man to state one. It was to be observed, too, that it must be some great emergency, yet that emergency was so doubtful and so obscure, that three honest men should affirm one way, and one the other, and then the minority carried it. This law inverted the rule of evidence; that was, the more witnesses they had to the truth of

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any proposition, the less they were to believe. Why should not the three counsellors swear, as well as the governor-general? It was surely better to have no council; for by that course they weakened the governor's measure, since at last the measure was promulgated with a protest against it of the whole council. With respect to vesting the governor-general with exclusive powers, a right hon. gentleman (Mr. Dundas), in the debate of the 7th, said, that all the authorities which he had consulted, every man from India to whom he had spoken, were against him (Mr. Francis) in their opinion. He desired therefore to know who those authorities were? Were they the body of the Indians? He asserted that they were not competent judges of such a question, and they (Mr. Dundas and Mr. Pitt) declared they were a parcel of felons; at least they treated them so, and even worse than the worst of felons were treated by the laws of the land, and the administration of criminal justice. Would they, then, go to such men for advice on a matter of state and legislation? There were in England but three competent witnesses to that point, viz. Mr. Francis, who, though appointed by Parliament, and constantly approved for six years together by ministers and directors, nay encouraged from time to time with promises and honours of rewards, had never once been consulted. Mr. Hastings and lord Macartney were the two others. He mentioned himself first, because he would first dispose of the most insignificant; and next he would speak of Mr. Hastings, who, though competent, was not a credible witness on the subject of power, since every law from every quarter implicitly accused him of having abused the power with which he was intrusted. As to lord Macartney, he was perfectly competent and credible. But what had lord Macartney said? That House did not know. He had not declared his reasons for declining the government. They might be very different from an objection to the want of power in the governor-general: perhaps he thought the state of affairs desperate; perhaps he objected to the existing council as men with whom he could not sit. But it could not be for want of power; for if it had, the ministers who applauded him so highly would not have refused to have granted to lord Macartney what they so liberally granted to earl Cornwallis. The public judgment on the propriety of lord Macartney's refusing the government of Bengal must remain in suspense until he should think it right to assign his reasons. He doubted not but that they were valid; yet until they knew what they were, they could not acquit him entirely of what was *primâ facie* a charge. As to the inventories being to be deposited and filed among the secret papers of the board of control, how was any person to inform against the inventory in the manner prescribed by the 61st clause? Who could inform, but the secret committee of the directors, and the commissioners of control and their chief secretary? Did not that put all the Indians who came home completely in the power of Ministry? Besides, how could they swear, who had not seen the inventory? and who was to prosecute, except the persons to whose secret custody the inventory was committed? There was an end therefore to prosecution, and the door was shut against all popular actions. Under these ideas he felt himself warranted in declaring, that he thought the new Bill far more exceptionable than the old Bill, and therefore should move that the chairman do leave the chair.

Sir *James Erskine* having expressed his astonishment that the members on the other side should not have listened with more attention to the well-directed arguments of his hon. friend, added, that he, for his own part, regarded as highly objectionable the idea of sending out a governor-general armed with the powers which the Bill gave him. It was erecting the standard of despotism in Bengal, without any probability of the person so fortified being rendered responsible to the House for his conduct, because after the answer ministers had given a few nights since, when papers material to the inquiry about to be instituted into the conduct of Mr. Hastings were withheld, it was idle to talk of responsibility; for how could the conduct of any person, entrusted with a high official situation become investigated, if the papers tending to elucidate that conduct, and prove what it had been, were refused by ministers? Sir James asked for what reason, among other powers conferred on the governor-general, he was to be made commander in chief? He wished to know the policy, the expediency, and the necessity of such a measure. The army in India was of great importance. The attention which it required was sufficient to any capacity with whom its command should be intrusted. In cases of

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emergency, which might be expected to occur frequently in such a country as India, how was the commander in chief to divide himself among the several demands which the civil, the political, and the military departments had upon him? Was it practicable for any individual to do all of them justice, or possible for him on many occasions not to sacrifice one to another? He blamed the judicature established by the Bill of 1784, and lately balloted for in the House. He asked what our countrymen, who served the Company and their Country in India, had done, that so many of them were thus involved in one fatal proscription. One solid or convincing argument had never yet reached his ears upon the subject. He took it for granted that there was some reason, which, however, the author of the measure was ashamed, afraid, or, probably, too prudent to state. When that principle was once fairly and honestly avowed, he trusted it would be met by the House with that thorough and marked disapprobation which ought always to stigmatize such measures as are broached and brought forth in the teeth of the constitution. He attached much of his remarks to the words 'energy' and 'dispatch' (which were mentioned in the printed paper which he held in his hand) as the grounds on which the powers specified were assigned to the first officer in the new India government; and he contended that the powers thus delegated, notwithstanding their unqualified extent, would not produce that effect; would not discover such characters in their operation. Thus the extension of authority which the governor-general, whoever he might be, was to enjoy by the Act thus amended, would rather retard than facilitate the operations of government.

The chairman was putting the question, when

Mr. *Burke* declared, that the anxiety and indignation which filled his breast, whilst he reflected upon the present measure, was past description; nor could he avoid bitterly complaining against the indecency of suffering a question of that kind to be put without the hon. gentlemen on the other side deigning to say one word in reply to so much serious and solid reasoning. But well did it become the learned and right hon. gentleman (Mr. Dundas) to remain silent! And much did he appear satisfied, that if the majority of arguments was on one side, the majority of noses was on the other. The principle of the Bill was to introduce an arbitrary and despotic government in India, on the false pretence of its tending greatly to the strength and security of the British possessions there, and giving energy, vigour, and dispatch to the measures and proceedings of the executive government. He reprobated the whole of the idea, contending that an arbitrary and despotic government was always sure to produce the reverse of energy, vigour, and dispatch, its constant features being weakness, debility, and delay. He referred to the Turkish government, and every arbitrary government that ever existed, in proof of his assertion. It was, he observed, usual to presume the preamble to every Bill founded in truth; but as the present Bill was only in a state of probation, he made no scruple to assert, that the preamble of the clause which laid it down as a principle that arbitrary power was necessary to give vigour and dispatch, was a libel on the liberties of the people of England, and a libel on the British constitution; it gave the lie to all common sense, to all reason, and to the uniform experience of ages. He denied that there ever had been a people abject enough to submit willingly to an arbitrary government; that however a prince, amiable in his private character, great, glorious, and successful in his victories abroad, wise and just in his administration at home, might prevail on his people to submit to his will, to which they were ready to resign themselves, from the pride which they might too naturally feel at seeing such a character exalted, yet, in so submitting, it was not from any sense of conviction, or an acquiescence in the principles of an arbitrary government. In the Turkish government there were principles of freedom; nor was there ever a government in the world in which there were not balances that distinguished it from an arbitrary government. This had been lately experienced at Smyrna, where there were three different powers to check and control each other, and yet the Turkish government had been blazoned forth by the advocates of arbitrary power as a true model of that sort of government. But, in fact, the whole of the business of India reform was a most contemptible result to so much time and trouble as it had cost him and other members of that House in inquiries into the abuses of the East, and in preparing numerous and voluminous reports upon the subject. He told Mr. Rous that he little

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expected the whole was to end in his being seated in that chair, the chairman of a committee on such a bill as that upon the table. He thanked the hon. gentleman for his powerful assistance in drawing up the first report of the select committee, and lamented that such a laudable design should end in the learned and right hon. gentleman opposite to him having endeavoured to erect a whispering gallery for the Board of Control, which demanded auricular confession, and armed with the new powers the new Bill was to give it, would prove a direct copy of the ear of Dionysius. The Bill was a Rawhead and Bloodybones, which had assumed various shapes: and to prove that dispatch was a thing which defeated many projects, he put the case—had the learned and right hon. gentleman come down to that House at once, and said out boldly, "My plan is despotism and an arbitrary government;" in that case the House would have revolted at once, but now they had been taken by sap; they were tamely surrendering to principles that would have shaken every fibre in the frame of their ancestors but to have heard mentioned in any other terms than terms of execration. He described the progress of the India bills of the gentlemen on the other side allegorically, and said, profligacy had first cried out, "Give me despotism;" but hypocrisy, more artful and wily, had said, "No, let us come upon them by degrees, and then they will submit to what would have frightened them at first;" and so an abortion of tyranny, like an imperfect fœtus in a bottle, was produced and handed about as a show; at length the child's navel-strings broke, and a full-grown monster of tyranny, the Bill upon the table, was brought forth. To administer arbitrary power as a cure for the ills of India, was like that man who said he could apply one short and immediate remedy for the various diseases of the human body—poison. He declared that he considered the present Bill as pregnant with unconstitutional doctrines; Magna Charta and the Bill of Rights gave every man a trial 'per judicium parium, vel per legem terræ.' This Bill confirmed a new Court of Star Chamber, and prevented a possibility of a trial *per pares*, as would be the case if earl Cornwallis should be tried. What he, from the experience derived from many years attention, would recommend as a means of recovering India, and reforming all its abuses, was a combination of these three things—a government by law, trial by jury, and publicity in every executive and judicial concern. Various were the arts played off by profligacy and hypocrisy; and when hypocrisy might think proper to conclude her game, and let profligacy play her part,

"Then should the warlike Harry, like himself,
Assume the port of Mars; and, at his heels, [fire,
Leash'd in like hounds, should famine, sword, and
Crouch for employment."

Measures of this complexion would indeed account for ministerial taciturnity. It was the only species of conduct which could suit the question which occupied the committee. He deplored the fate of the country and the constitution, from the spectacle which attracted their attention at that moment. What did these amendments recommend? It was a system of arbitrary government. Where were the feelings of Englishmen, who could hear what struck him as the grossest insult which could be offered to a British Parliament? And were they then reduced to that degraded and abject situation which forced them, instead of delivering the captives from thraldom, to forge for them new chains, to be the instruments of increasing even the heavy misfortunes of slaves? Was this the character of our forefathers? No; it had happened to us in these dregs of times, when public spirit, the liberties of mankind, the generosity, the justice, the dignity of the nation, were all extinguished. But nothing could astonish him more than to find that dignity, energy, and dispatch, were expected to result from absolute power. Was not even this absurdity, gross and monstrous as it was, too palpable to be swallowed implicitly by a British House of Commons? He desired to know where that arbitrary government existed, of which dignity, energy, and dispatch, were the characteristics. To what had democracy, in all ages and all countries, owed most of its triumphs, but to the openness, the publicity, and the strength of its operation. The imbecilities, inseparable from the exertions of the best mind on earth, would always render the measures of an arbitrary government weak and imperfect. It was in direct opposition to all our theories and knowledge of human nature, to expect from one more than from many; or that the opinion of an individual, in all cases respecting the government and regulation of society, should be more solid than those which result from the joint experience

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and wisdom of multitudes combined and matured for that purpose. Yet, if he reasoned wrong, why had not the same system prevailed in the British government? The learned gentleman, in the completion of this wonderful system, had roundly impeached the sagacity and integrity of our ancestors. They had consecrated, for the use of posterity, a system of government extremely different. How long it might retain the venerable garb which it had hitherto worn he knew not; but he shrewdly apprehended a design was on foot, hostile to that ancient and stately fabric, which had been the wonder and admiration of all the wisest, the best, and the greatest of men, for many generations. This government, therefore, devised by a British House of Commons, for one of our dependencies, was the first of the kind; it had no example among the nations the most polished, or the most barbarous; it was repugnant to every feeling of the human heart, and stamped throughout with cruelty and outrage. He, for his part, should not have remarked on the system at all, but merely to enter his protest against it; for he conceived it to be one of those gross and extravagant absurdities which was not susceptible of reason, on which men of sensibility could not reason, which it were a prostitution of reason to be applied either for or against. He desired to be shewn what *data* human nature afforded as the foundation of so outrageous a system. Where were those sacred principles of freedom in which the British laws formerly originated? Gone; and something else was now substituted in their room. This perhaps was our destiny, and, for aught he knew, it might be our duty to submit; but it was hard on those who regarded the British liberties with affection. The period was however arrived, when the feelings of Englishmen were put to the test. He was sorry they did not seem more alive, and that such a measure as that before the committee could be suffered to make its appearance in the British senate. While he had a voice, however, it should be exerted in protesting against an innovation thus shocking and monstrous. Were the present an original measure, it might have been proper to attack it in another manner; but it was no more than the completion of one. The gradation was obvious, and menaced the liberties of the country through every stage of the business in the same formidable manner. The learned gentleman's Bill began with reprobating five in council. This was one preliminary step for augmenting the power of the governor-general. The learned gentleman next, with all the fury of his eloquence, attacked a casting voice. All this was aiming obliquely at that arbitrary power which was the principal intention of the measure. But having thus paved the way, a bold and unequivocal step is taken at last to outrage this country and this House with a proposition for the establishment of a system which our ancestors struggled and died to exterminate, which is incongruous to the habits and peculiarities of the national character, and which we cannot admit without sacrificing at once all our prepossessions for the privileges of Britons, and the rights of humanity. He wished the committee to recollect how this measure had throughout sacrificed the many for the few. He adverted to that clause in the original Bill of 1784, which rendered every individual who had been in India accountable for his fortune. It had been often enough observed, and justly, that this clause was sufficient, in an honest and independent House of Commons, to have ruined the entire measure. It afforded every subterfuge which villainy could desire, and exposed honesty alone to ridicule and contempt. Did a principle like this become the British Legislature? It certainly did not; but it was adopted, and operated at this moment, to the disgrace of the country. In what manner were delinquencies now to be detected? It was taken for granted that no man could have a large fortune by honest means, because so many had been known to bring home one by means that were not honest. This principle was wrong, because it supposed that which was not true. Industry would undoubtedly obtain its object by perseverance there as well as here. Money might to a certainty be even more easily obtained, as it was ten per cent. cheaper. A man of this kind might not like to give an accurate account of all his acquisitions, as it would in a great measure prove impracticable. He stated the case of a person high in office, who, by every species of the grossest peculation which his situation might enable him to practise, should accumulate enormous wealth, but who, at the same time, should waste that ill-gotten revenue for the most flagitious purposes; although guilty of almost every crime which human nature can perpetrate while

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in India, having thus dissipated his substance, he might be a poor man by the time he came home. It would not then be an object to prosecute his delinquencies. For the meaning of this clause was to lay hold of a man's fortune first, and condemn him afterwards; to begin with the effects of his crimes, in order the more easily and unanswerably to prove his criminality. What was that but a literal transcript of what had been done in India during the administration of Mr. Hastings? It was the practice to examine the country, and wherever he found money to affix guilt. There was not a more dreadful fault that could be alledged against a native, than that he was rich. The moment this fact was substantiated, guilt was presumed; and it was no very difficult matter, with the powers he possessed, to realise whatever charges he chose to feign. All this did he perpetually censure, because he constantly knew it to be a leading feature of that government for which Mr. Hastings was responsible; it was one of the charges which he should endeavour to substantiate. But what encouragement did the measure he now condemned afford him for proceeding in the prosecution of a delinquency, which the House would virtually approve, by an adoption of what originated in the same principle, and might be directed to the same object? All that had yet been said of the judicature which was now established for the purpose of punishing the delinquencies committed in India, fell short of its turpitude; it had no authority, example, similitude, or precedent, in the history of this country, except, perhaps, the Star-chamber of detestable memory. This institution, which had made the hearts of the whole nation to quake and tremble, was composed of peers, privy counsellors, and judges. Lord Bacon, not much to his credit, exclaimed, 'Where would any man wish to be tried with greater safety?' He owned there was at least as much probability that a court, constituted of such respectable members, was as likely to pronounce an independent and impartial sentence, as any selection which a minister could make from his friends in that House. But was this to be compared to an English jury? It certainly was not. The safety, the satisfaction, and the confidence connected with this mode of trial, arose from the character of the jurymen. They were citizens, and not politicians; and each of them might to-morrow return to the very situation in which had been the man whom they condemned. This he considered as the great bulwark of our liberties, and the deprivation of it was a punishment hanging over the heads of those who probably deserved it the least. It was at the same time, he readily allowed, such a judicature as became the crimes which were likely enough to be subjected to their cognizance. Whoever brought home money sufficient to tempt his relations, or friends, or others in the secret, to betray him, would fall under the lash of such an institution. He remembered that it had been said of one king James, of Scotland, on viewing the beautiful and rich gardens, and other fertile and delightful parts of a great man's property, which lay on the banks of the Tay, that he exclaimed, "What a bonny traitor would this mon mack!"—meaning that his possessions were sufficient to tempt the grasp of rapacity thus armed with power. Mr. Burke stated, that the situation of the Company's subordinate servants is often such as obliges them to have recourse to unfair practices, in order to support their dignity. The residents, for example, in Oude and Benares—the one had not an allowance of above 2,400*l.*, and the other received about 1,200*l.*; these salaries were by no means adequate to the indispensable expenditure of these gentlemen in their official situations or capacities. But suppose either or both the residents to have realised enormous fortunes, it was in the power of any of their dependents, or others in their confidence, to present a statement of the fact, and from that circumstance tempt them to a collusion, in order to avoid the punishment of their crime.

Mr. *Fox* observed, that he thoroughly coincided in all the sentiments of his right hon. friend, and felt equal indignation, sorrow, and surprise, that a Bill so directly the reverse in principle, and so objectionable in many of its parts, however proper in others, should be delivered to the committee in a manner so extraordinary, without the author of it having thought it worth his while to say a word in explanation of it. When the learned gentleman had first introduced it, he had assigned a few reasons, if reasons they might be called, for the several heads of alteration which he meant it should contain, and had said at the time, that he supposed at the second reading, or in the committee, would be the proper time to go into it more fully. Having given them to expect

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by this, that the learned gentleman would have opened the contents of the Bill a little more at large, and stated the particular facts which constituted the necessity upon which he presumed the essential difference had been made in the Bill, compared to the Bill of 1784, he owned he was in some degree surprised at the learned gentleman's silence; but, however the learned gentleman might affect to disregard what had fallen from his right hon. friend, with an impression and a weight that he should imagine no man could resist, and which was not more remarkable for the splendour of eloquence with which it had been delivered, than for the truth of the arguments and the force of the conclusions, what his right hon. friend had said must be answered; and he felt himself extremely anxious to hear in what manner the learned gentleman would ward off the force of what the House had just heard.

Mr. *Dundas* answered, that he had not been silent out of any disrespect to either of the hon. gentlemen, but had barely reserved himself till they came to fill up the blanks of the respective clauses, which he conceived to be the proper time for stating to the committee upon what principle it was that he proposed each particular alteration.

Mr. *Drake* censured the unsteady, shuttlecock mode of proceeding in bringing bill after bill to amend and explain a subject of so much importance. He had heard a high character of earl Cornwallis, and believed him to have been every way deserving of it; but if Government did not proceed in a more easy and settled manner, how did the House know, but before his lordship reached Bengal, another bill might be proposed, his power detruncated, and his authority lost?

Mr. *Pitt* inveighed against the ridiculous inconsistency of moving the Speaker out of the chair, merely for the purpose of moving him into it again, without doing any thing in consequence of his leaving it. But gentlemen complained that they had not certain clauses prepared, which they thought necessary to be added to the Bill. In his opinion, sufficient time had been given to prepare every such clause; but had it been otherwise, an objection of that nature came with an awkward grace from gentlemen, who had themselves so recently prepared an entire new bill for the purpose of amending and altering the old one, and who of course must be provided with every thing they thought necessary for the purpose.

At length the question was put and negatived. The committee then proceeded, Mr. Dundas proposing to fill up the blanks, and to state his reason for each particular clause, as each came under consideration.

Mr. *Sloper* reprobated the clause which enacted, that the commander in chief should not in future be of necessity one of the council. This was, he thought, extremely unfair in respect to the present commander in chief, and therefore he should move as an amendment to confine the clause to future commanders in chief: and the rather, because he thought it hard, that a commander in chief should be recalled, without some ground of complaint or reason being alleged.

Mr. *Fox* contended against the idea, that military men were not liable to be recalled by their employers without some reason being assigned. He said that he ever would maintain, that military men were liable to be recalled at the pleasure of those in whose service they were employed without any reason whatever being assigned; but he nevertheless thought the case of general Sloper exceedingly severe, as the taking from him a right of sitting at the council board, which he already enjoyed *ex officio*, was an humiliating degradation of his character.

Mr. *Pitt* lamented over that unfortunate state of public spirit, which was such that no question of political expediency could be proposed without its being argued on personal and private considerations. However, since such had become the practice, he must submit to it, and would therefore answer the gentlemen upon their own grounds. He could easily account for the warmth which one hon. gentlemen had appeared to feel on the subject, where so near a relation was concerned; but for the right hon. gentleman who had taken up the same grounds, there was no room for any such excuse. He would undertake to prove, that the Bill might not in reality affect general Sloper, as had been urged; and he would also put a question to the hon. relation of the General, whether, considering some circumstances which he should mention, any complaint could possibly be made by his friends, should it even operate against him in the manner it was apprehended. The General might probably still retain his situation in the council, nor was it fair to glance at the supposed

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injustice of recalling a general from his command without assigning any cause. A person might be perfectly eligible to the command of an army, without possessing those qualifications which were necessary in a statesman: and that more especially, in the Bengal government, where certain talents which were by no means requisite in the soldier, were certainly indispensable in a counsellor; and that more especially, as the new powers to be vested in the governor-general, would lay the other members of the council under the necessity, whenever those powers should be exercised, of entering in detail the whole of their arguments, on their Journals, and taking a comprehensive political view of every question which should fall under such a circumstance; besides, the greater the political abilities of the counsellors might be, the greater restraint would be imposed on the governor. He did not mean to argue upon the merits or abilities of general Sloper, as in reality they were no way concerned in the question, which only related to the establishment of a general political regulation without any reference whatever to the particular individual; but he believed he could remind the House, and the right hon. gentleman, of an instance, that should general Sloper be deprived of his seat in the council in consequence of that clause, it would appear to apply exactly in point. When on a former occasion he had the misfortune to lose a seat in the Cabinet, the person who was commander in chief, had the good fortune to retain his office, but no longer continued a member of the Cabinet, though he had been one before. The right hon. gentleman had a considerable share in the arrangements which were made at that time, and he hoped he would explain to the House, how such an alteration could take place in the situation of general Conway without involving him in the same disgrace that it was now stated would fall on general Sloper, by barely making it possible for that to happen to the latter which had actually happened to the former? The honour of general Sloper was by no means affected by the clause. When general Sloper accepted of the command in India, it was with an express condition, that if this country should be so fortunate as to acquire the assistance of the abilities of earl Cornwallis as governor-general, that then the office of commander in chief should be united with that of governor, and to this condition general Sloper consented. He asked the hon. gentleman, whether the latter could with reason either complain or repine?

Mr. *Sloper* answered, that earl Cornwallis told him personally, that when he went out, his going would not at all affect general Sloper's situation.

Mr. *Fox* remarked, that as the right hon. gentleman had adverted to the case of general Conway, he should think it sufficient to answer, that when that gallant and enlightened officer sat in the Cabinet, it was in a time of war, and when he no longer belonged to the Cabinet, we were at peace. But to deprive general Sloper of the right of a seat in council proved every way injurious, as a degradation of his character in the eyes of all India, and a most oppressive reduction of his appointments from 16,000 to only 6,000*l.* a year.

The Committee divided: For the original words of the clause, 151; For Mr. Sloper's Amendment, 65.

Mr. *Dundas* came to the clause enabling the governor-general to act in cases of great emergency without the concurrence of his council. He said, that although a multitude of observations had fallen from a right hon. gentleman, about despotism, arbitrary government, and such like topics, he should consider it as mere declamation, and the flights of a fanciful imagination, bearing no relation whatever to the true state of the question. Before gentlemen took upon them to charge the empowering the governor-general to act in cases of emergency without the concurrence of his council, as the introduction of arbitrary government, it behoved them to prove, that arbitrary government depended more upon one person governing than two—a position which he believed it would not be easy to make out. He had ever considered the governing by known laws, the preservation of all the rights and franchises of subjects, trial in all cases of property, by the established judicature of the country, and the free exercise of public and private opinion, moral, political, and religious, as the invariable and undoubted proofs of freedom. While these remained, the liberties of the people would surely be as perfectly enjoyed as ever they had been, or were likely to be. This was the real situation of the case of India. The person entrusted with the administration of the country,

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was indeed invested with more power, but he had therefore the greater responsibility. Though in cases of great emergency he was allowed to act without the concurrence of his council, yet he had still his council to advise with, and they were always about him as checks and controls upon his conduct. In fact, the governor could do no more under the present clause than he could have done with the concurrence of his council before; and in proportion as he had more personal power, so had the Bill provided more security and more responsibility. On this occasion he should beg leave to remind the committee, of the essential difference between a cabinet council and a popular legislative assembly of debate; in the latter, party difference prcduced variety of opinion and variety of discussion, all of which tended to elucidate what was obscure, to ascertain what was doubtful, and to digest and mature what was crude and unformed. Hence, in proportion as that House debated a question, it became more thoroughly understood; and they all, let them be of what party they might, were better prepared to decide upon it ultimately. The case was widely otherwise in respect to a council of executive government; in such an assembly, the fewer the voices, the less the party feeling; and the greater the unanimity, the better the decision; the more vigorous the execution of the measure decided upon, and the more probable its success. All the mischiefs and misfortunes which had for years taken place in India, he was satisfied, arose entirely from the party principles of the members of the different councils in existence there, and the factious scenes which those councils had almost uniformly presented. When he said this, he cared not whom he offended, persuaded as he was, that the fact was strictly what he had described it to be: not that he meant to suggest, that the members of these councils had all acted from bad motives; he neither intended to insinuate, nor did he himself believe any such thing: on the contrary, he believed, that had any one member of the council, of which the hon. gentleman opposite to him had been a member, had the power of governing India, unharassed by division in council, India would have been governed better, and our affairs there would, at this moment, have been in a more prosperous situation. For years the state of the government in India had been this: the governor had carried every thing by one vote, and it had always been two to three if there were four present, and one to two if only three. The clause was justified on the grounds of policy and necessity, and he trusted the committee would lay out of their minds all prejudice and false colouring, and look at the real question. This being examined with cool impartiality, it might follow as an almost invariable consequence, that the House, or at least the majority, would not harbour the least idea of what had been so ingeniously described as a ministerial design to establish a despotic government in the East Indies.

Mr. *Fox* observed, that the right hon. gentleman had completely fulfilled his expectations, by not advancing one single position in support of the pretended necessity of the proposed alteration, or in proof, that a government in the hands of a governor-general, was likely to turn out a better government than a government by governor and council. Where did the right hon. gentleman learn the doctrine? Did he collect it from the papers laid before him when chairman of the secret committee? Did he think that Mr. Hastings, who acted so repeatedly in defiance of the orders of the directors, and contrary to the advice of the council at Calcutta, had afforded a proof of it? Would the Rohilla war never have happened had Mr. Hastings possessed the power with which he designed to invest earl Cornwallis? Would the treaty of Poorunder not have been broken? Would the affair of Cheyt Sing, and all the various mischiefs which it drew down on us, never have happened? Which of all the numerous facts stated by the right hon. gentleman, in his own reports, and in the excellent code of laws contained in his own ever-memorable resolutions, had afforded him proof of what he wished to impress upon the House? The right hon. gentleman had chosen to compare the council at Calcutta to a cabinet council. No two things could be more unlike. In a cabinet council the debates were secret; no person knew except themselves, what was done. If any minister, for instance, a Secretary of State, should from morning till night, debate against any particular measure in his own department, such as the negociating or breaking of a treaty, and nevertheless, being over-ruled by the majority, should carry that measure into execution, he alone was responsible, and this was the only way by which that House

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or the public could have any constitutional knowledge of what passed in his Majesty's councils. A government by a council, was every way preferable to a government in the hands of a governor-general. Little did it excite his astonishment, that a right hon. gentleman (Mr. Pitt) should have scattered such unbounded panegyric upon the powers of arguing and stating opinions with which the new, but inactive, council were to be vested. It was natural for him, whose great talent it was to state a thing well in words, and by dint of superior eloquence give it a beautiful and striking appearance, to commend that in which he excelled, and to consider the sphere of action as the inglorious sphere. It was no wonder that the right hon. gentleman was always successful in what he said; seldom in what he did! Look to his speeches; they were masterly, they were convincing! Look to his actions, failure after failure! The one all-powerful; the other miserable, impolitic, and absurd! The council, who were to argue and not to act, therefore very naturally became the objects of his eulogiums, while the actual exercise of the executive government was regarded as of much less estimation. Let others act, the right hon. gentleman desired only to argue! The operation of the India Bill framed by the right hon. gentleman, was ridiculously futile; and of course, the board of control became the most inefficacious board ever instituted. What had that board proved itself fit for, but to perplex the directors, to send out orders unfit to be executed to India, and to screen public delinquents from an investigation into their conduct in the House! These were the fruits of a bill not two years old; a bill now necessary to be altered, and perhaps a further alteration and as great a change of it would come under consideration in the course of the next session.

Mr. *Pitt* expressed the pleasure which he felt that his reply to the right hon. gentleman could be confined within such narrow limits as to preclude the necessity of long trespassing upon the time and patience of the House. And lest, after this remark, he should inconsistently trifle with either, he meant totally to throw aside those parts of the right hon. gentleman's speech which appeared solely calculated to exhibit the powers of inflammatory declamation. He attempted, for instance, to insinuate that the House had screened the late governor-general of India from punishment, by withholding the papers moved for by one of his friends on a former day; but the absurdity of such an insinuation would be manifest to such gentlemen as would recollect that the very person who had moved for those papers, avowed and boasted, that independent of them, they had sufficient ground for a full proof of the guilt of Mr. Hastings; and though they had such proofs, yet did they endeavour by every inflammatory topic, to provoke the House to demand documents not relevant to any charge whatsoever, and which, from their nature and description, could not be produced without manifest detriment to the State. Thus they had first rendered it necessary for the House, in compliance with its duty, to reject the motion, and afterwards in pursuance of the system which uniformly appeared to govern them, had endeavoured to impute that necessary refusal to the worst and most corrupt motives—the desire of screening a criminal from justice.—The right hon. gentleman had said, that he was sick of hearing the idea of responsibility applied to an Indian administration. For his part, he looked upon it that not only the servants of the public in India were responsible, but that even the ministers here were deeply so, for the conduct of the affairs of those settlements: they were responsible not only for the good behaviour of the persons whom they sent out, but for their continuance there, and for the sanction which they might give to the system they should pursue, or the measures they should adopt. This responsibility, as had been argued by his right hon. friend, was made more broad and comprehensive on the part of the new governor-general, by the fresh powers to be given him in the Bill. And, in fact, the very institution of those powers created the additional degree of responsibility, and made it more strongly attach upon his conduct; for it was not an arbitrary power put into his hands subject to no check or control, which was the true meaning of the term 'arbitrary power:' it was only a discretionary power to be exercised in cases of urgent importance, and that under the most forcible restraints, and the strongest guards which could be imagined. In the first place, the whole of the consultations on the subject, whatever it was, on which the governor was to exercise his new authority, were to be recorded; also his reasons for differing in opinion with his council, were to be entered on the minutes, toge-

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ther with an account of the circumstance which made him think it necessary to take such a step, and with those were to be contrasted the arguments of each of the dissenting members of the council, which they were required to enter by way of protest for their own justification, and the whole was to be sent home and laid before the court of directors. With respect to the doctrines laid down on the subject of arbitrary power, he felt himself fully justified in contending, that it did not arise from the number of the persons in whom it was vested, but from the want of a proper control to which those persons should be liable in the exercise of it. To illustrate this, he instanced the British constitution, in which 558 gentlemen in that House, and a considerable number of peers in the other, would not be a sufficient security for the liberties of the people, were it not that the individuals who composed those assemblies were a part of that people, and the moment they passed any law, became themselves bound by it, in common with the rest of their fellow-subjects. That House in particular was restrained from the exercise of such a power by the nature of its constitution, being in a great measure, though not so much as he and every other friend to the liberties of the country must wish, elected by the people. But take away those circumstances of representation, however imperfect, in one House, and of community of interest with the rest of the nation in both, and their numbers would afford no security whatever against the exercise of despotic government. Nay, in large bodies, there was great danger to be apprehended of such strides of despotism, because in them the responsibility would prove less binding, by being divided among so many, whereas, in the present case, being confined to one, it would become an insurmountable barrier and restraint. The right hon. gentleman had, in his usual style, made reflections upon him for having altered his sentiments upon the subject of the powers necessary to be vested in the governor-general. It was his singular misfortune, as the views of his opponents made it most instrumental to their purposes, to labour alternately under opposite and contradictory charges; at one time he was accused of a presumptuous and obstinate adherence to his own opinions and proposals, and at others of a too ready departure from them; of the two crimes the latter was that of which he should most willingly acknowledge himself to be guilty; for, to sacrifice the interests of his country to the pride of persevering in his own opinions, he thought would, indeed, be a most flagrant breach of his duty to the public; but to change them where experience, or argument, or a more close investigation had shewn them to be wrong, was, he should humbly conceive, rather a source of commendation than invective. In this instance, however, he had not departed from any of his principles, but had, on the contrary, given them a greater force and efficacy in the Bill then before the committee. He had always entertained an opinion, that the authority of the governor-general ought to be put on a different footing from what it had been, as many evils resulted from the parity of power between him and the rest of the council. In the former Bill, therefore, his powers had been enlarged by diminishing the number of the council, that so the concurrence of one of the number would prove sufficient to give him a majority, and his casting voice would more frequently be exercised with effect; and in the present Bill the same principle was still adhered to and farther followed up, by giving him a power in extraordinary emergencies, and, with the numberless checks added to prevent a wanton or corrupt exercise of that power, of superseding, by his single authority, the votes of the rest of the board. Gentlemen had pretended to treat with ridicule the idea of imposing an oath on the governor-general whenever he should think proper to avail himself of this newly-created power. But did such gentlemen really pretend to think, or did they feel that an oath was no restraint; or did they, when they were complaining of the power itself, seriously object to circumscribing it with restraints and limits? The right hon. gentleman had gone back to the history of Indian politics to prove, that had this power hitherto existed, it would have been attended with the most mischievous consequences during the administration of Mr. Hastings, because on all occasions when that gentleman had been over-ruled by his council, he was prevented from putting into execution dangerous and destructive measures. Whatever might be the opinion of Mr. Hastings, surely he had no right to assume that every governor-general was to be as bad as he thought proper to represent him: and, for

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his own part, he was restrained from entering into a discussion of that particular topic, because it was so intimately connected with the inquiry then depending, that he should not be able to follow the right hon. gentleman without violating that delicacy which so naturally belonged to a criminal prosecution. Whatever might have been Mr. Hastings's demerits, the present clause had nothing to say to him; it was intended to remedy a defect in the constitution of the Eastern government, from which bad consequences must necessarily result in times of danger and difficulty; and to say that such bad consequences would be over-balanced by preventing the governor-general from exercising a power in a manner as destructive as a former governor-general had attempted to exercise it, was to say, that having been unfortunate in one governor-general, it must necessarily follow that we should always be not less unlucky. This argument was founded in an idea that all public men were to be distrusted. Such an idea as this ought by no means to be adopted. It was good policy to guard as much as possible against the misconduct of ministers, to provide as many restraints as the nature of the service would admit, and to render it as difficult as possible to escape punishment by concealment or otherwise; but it would prove a monstrous absurdity to set out upon the principle that they were all necessarily corrupt; and, besides, such a principle would apply to the members of the council, as well as to the governor-general. The right hon. gentleman by a recourse to experience, had attempted to prove that his hon. friend near him (Mr. Francis) had for a considerable time engrossed the whole powers of the council by his influence over the majority of the members; and that, during that time the affairs of the Company were better administered than at any other period. If this were the case, it only served to prove that a more fit person might be found than Mr. Hastings; and that, therefore, it was absurd to argue, from the supposed delinquency of that gentleman, the impossibility of finding an able and upright governor. This the hon. gentleman himself seemed to have in view when he took upon him to enumerate the persons that were competent to judge on the affairs of India. In the first place having, at one word, struck off all those who had not been concerned in the executive government, he reduced the list to three names only, that of himself, of Mr. Hastings, and of lord Macartney. Of the two last he had contrived to get rid in a very short and summary way, and of course left himself as the only person fit to be consulted on the business. The right hon. gentleman (Mr. Fox), when arguing the impropriety of the clause upon the topic of experience, had affirmed that from the time that his hon. friend (Mr. Francis) had lost his influence in the council, by the death of one of the members, and that Mr. Hastings's power began to predominate, every thing went wrong. This argument, could it establish any thing, must prove that it was warranted by experience that the power should be lodged in the minority instead of the majority. What an idea! that because the consultations of the council of Bengal were recorded, that circumstance rendered it the less expedient and safe to place an independent authority in the hands of the governor! He admitted, that in particular the constitution of the cabinet council at home was different from that of Bengal; but this difference was one of the things which might be offered in favour of the new regulation, because the consultations being minuted and transmitted to the court of directors, would form one of the strongest restraints on the exercise of the discretionary power. The right hon. gentleman had endeavoured to triumph over his right hon. friend for his appealing to futurity for the success of the system then under review; but in a measure so recent as the present, where there was no time for experience of its effects, and in which the framers of it had no other grounds to go upon but the consciousness of their own good inclinations and industry, what other test could they appeal to but that of futurity? As to the predictions of the right hon. gentlemen, he should only answer them by recalling the attention of the House to some of his former predictions on a part of the same subject. He had upon an occasion, not yet, he believed, erased from the minds of gentlemen, when he had a hope of carrying into effect a measure of the most destructive tendency to the prosperity of India and to the constitution of Great Britain, endeavouring to bring over people to his views, and to conceal, as much as possible, his true and real purposes—predicted that the East India Company would shortly be bankrupt; and on this pretence, at that time unfounded upon any probable grounds

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of conjecture, he had been able to impose upon many members of that House, and had by means of that delusive prediction nearly accomplished his ruinous project. This prediction had since sustained the ordeal of time, and it appeared to be egregiously false and contrary to fact; for so far was the Company from a state of bankruptcy, that their affairs were in a most flourishing way, their resources increasing, their credit rising, and their expenditure retrenched; and there was every hope that the revenues of India would not only prove able in a short time to pay off all its own incumbrances, but to contribute to the relief of this country.

A division took place on the question to omit the oath to be taken by the governor-general, when 125 were for the oath standing part of the Bill, and 36 against it.

March 24. On the order of the day for going into a committee on the Bill,

Mr. *Sheridan* remarked that he had a proposition to offer previous to their going into a committee, which he hoped would not be objected to. The Bill consisted of two parts. The first related to the regulations of the government in India, the second to the new Court of Judicature to be instituted at home, for the trial of persons charged with having been guilty of acts of delinquency in India. As these were distinct objects, he wished them to be separately considered, and, as probably Administration had made it a condition with earl Cornwallis, that he should go out to Bengal invested with certain powers, it might be their desire to pass so much of the Bill as related to the system of government to be adopted in India as soon as possible. The same necessity for dispatch certainly did not apply to the judicature part of the Bill; and as that part had been but little considered when the Bill of 1784 passed, he wished to divide the Bill, and separate the two subjects. In that case Administration would have it in their power to make good any promises which they might have made to earl Cornwallis, and time might be taken for such a deliberate discussion of the judicature part of the Bill, as the importance of it required. He concluded with moving, "That it be an instruction to the said committee, that they have power to turn the said Bill into two, if they think fit." The motion was agreed to; after which the House went into the committee. On the 27th, the Bill was read a third time and passed.

Debate in the Commons on Mr. Pitt's Plan for the Reduction of the National Debt.] March 7. Mr. *Pitt* rose in pursuance of the notice he had given to introduce the subject of the proposed Sinking Fund. He had, for the present, he said, only a preliminary matter to move, which would be a means of bringing the business in a more clear and methodical manner before the House. There had been several papers laid upon the table, stating the amount both of the expenditure and of the revenue; but he apprehended that the House would not be so competent to examine and adjust them as a committee would be; he should therefore move to appoint a select committee of nine members to report upon them, and that committee he should propose to be chosen by ballot on the next day. He accordingly moved: "That the several accounts and other papers, presented to the House in this session of Parliament, relating to the public income and expenditure, be referred to the consideration of a select committee; and that the said committee be directed to examine and state the same, and also to report to the House what may be expected to be the annual amount of the said income and expenditure in future."

Mr. *Fox* agreed, that when papers, complicated and various as those of necessity must be, required investigation, it was always a good measure to refer them to a select committee; but he thought that nine was rather too confined a number. However, he should make no objection; but, on the contrary, be happy to give every assistance in his power.

March 9. The House proceeded to ballot for the said committee, when Mr. Rose, Mr. Wilberforce, Mr. W. W. Grenville, Mr. Addington, the marquis of Graham, Mr. E. J. Eliot, Mr. John Smyth, Mr. Call, and Mr. Beaufoy, were chosen members thereof.

March 29. The House having resolved itself into a committee of the whole House, to consider of so much of his Majesty's Speech to both Houses, upon the 24th of January last, as recommends to this House the establishment of a fixed plan for the Reduction of the National Debt,

Mr. *Pitt* rose and said:

Sir; the object I have to refer to this committee is, to consider of the means

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of decreasing the national debt. To attempt to recommend this purpose by any words, would surely be quite superfluous: the situation of this country, loaded with an enormous debt, to pay the interest of which every nerve has been stretched, and every resource nearly drained, carries with it a stronger recommendation than any arguments I could possibly adduce. That something should be done to relieve the nation from the pressure of so heavy a load, is indeed acknowledged by all; and, I trust, that in this House there is only one feeling upon the subject. To you do the public turn their eye, justly expecting, that from the trust you hold, you will think it your duty to make the most serious efforts, in order to afford them the long-wished-for prospect of being relieved from an endless accumulation of taxes, under the burthen of which they are ready to sink. Upon the deliberation of this day do they place all their hopes of a full return of prosperity, and that public security, which will give confidence and vigour to those exertions in trade and commerce, upon which the flourishing state of this country so much depends. Yet not only the public and this House, but other nations look to the business of this day; for, by the establishment of what is now proposed, our rank will be decided among the Powers of Europe. To behold this country emerging from a most unfortunate war, which added such an accumulation to sums before immense, that it was the belief of surrounding nations, and of many among ourselves, that our powers must fail us, and we should not be able to bear up under it; to behold this nation, instead of despairing at its alarming condition, looking boldly its situation in the face, and establishing upon a spirited and permanent plan the means of relieving itself from all its incumbrances, must give such an idea of our resources, and of our spirit of exertion, as will astonish the nations around us, and enable us to regain that pre-eminence to which we are on many accounts so justly entitled. The propriety and the necessity of adopting a plan for this purpose is not only universally allowed, but it is also admitted that immediate steps ought to be taken to make provision for this purpose. And I am persuaded, that whatever differences of opinion we may have in this House, no difference will this day be entertained that effectual provision be immediately made to reduce the debt of this nation.

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The chief subject then before the committee is, not whether the recommendation in his Majesty's Speech should be complied with; nor even is it a matter of dispute what sum ought to be allotted for this purpose; for it seems agreed, by common consent of all, that one million annually ought to be laid aside as the means of gradually accomplishing this desirable purpose. The great points which we have to consider are:—In the first place, what measures ought to be taken to acquire a million for this purpose. Secondly, what is the way of applying it. I must here congratulate the nation upon the arrival of this wished-for day, when all despondency and gloomy fear may be laid aside, and our prospects brightened with joy and hope. With how much pleasure am I able to add, that this can be carried into effect without laying any heavy new burthens upon the people. This is beyond the hopes of almost every man, and is indeed a subject of the greatest rejoicing to every friend of this country.

In order to be acquainted with our real situation, to see what we have and what we want, I mean to state to the committee the annual income and the annual expenditure of the nation, as the ground upon which we are to proceed with regard to the object before us. This has already been done by the select committee, who were appointed for the purpose of examining into the subject, and whose reports are now upon your table. It is a matter of much satisfaction that this mode has been taken to ascertain the sums of the revenue, and the expense of the nation. You have not the word of an individual, but the report of a committee of this House, who have given an authentic, an accurate, and a clear statement of the whole. This has been long enough published to have put it in the power of ever gentleman to examine it with attention, and I hope none have neglected it. It is so much better that every thing of that kind, every thing that contains so many figures, should be stated on paper, than be trusted to the memory, that it will not be necessary for me to detain the House long with that part of the subject.

The committee have very properly arranged their inquiries under two heads, taken from different periods. The first is, from Michaelmas 1784 to Michaelmas 1785; and the second, from the 5th of January 1785 to the 5th of January 1786. In the first period the annual receipt ap-

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pears to be 15,379,182*l.*; in the second period, in the year ending the 5th of Jan. 1786, the amount is 15,397,471*l.* There never was a report upon any subject, nor upon such a subject as this, of so much consequence to the nation. The manner in which it has been drawn up, speaks the praise of the committee much higher than I am able to do by any words I could use. The clear, the precise, the accurate mode they have observed throughout the whole; the great attention which they have paid to the object for which they were appointed, deserves the highest encomiums. The care with which they have avoided all sanguine conclusions from the premises before them, can never be too much applauded. Rigorous in calculating all contingencies which might arise to baulk the hopes of the nation, and tend to disappoint their hopes of the expected surplusses; most faithful to their trust, most scrupulous with regard to the truth of their statements, shewing at once their respect for the House, their sense of the importance of the business into which they had been deputed to examine, they have proceeded to deliver in a report; which, in point of clearness, precision, just and fair deduction, stands eminently distinguished above every report I have ever seen.

The first sum they have stated as the whole revenue that has been received into the Exchequer from the 5th of January 1785 to the 5th of January 1786, is 12,499,916*l.* After this, next follow two sums, which they have thought proper to deduct from this sum, which has been received into the Exchequer. First are the arrears due from the East India Company, which ought to have been paid before, but had been respited to them, and amounts to 401,118*l.* The other sum, which in the same manner is deducted, is the excess of the window duties, but which, from the alteration of the assessments, will not be paid any longer. These two articles, therefore, being considered only as contingencies, are not reckoned as part of the yearly revenue. These two sums, then, amounting to about 457,200*l.* being deducted, leave a remainder of 12,042,690*l.* This sum, which has been paid into the Exchequer, is considered as a part of our stated yearly income, it being, each article of it, made up by taxes which are payable every year.

The rest of the sums which they have stated as the amount of the public revenue, which is something above 3,300,000*l.* arise from taxes, which, though payable yearly, have not yet been all received into the Exchequer in such a manner as to have with them their proper vouchers; but the committee thought right to add them to the sums that had been received. Of these sums there can be little doubt or uncertainty. They are collected by the officers in different parts of the kingdom, according to assessments made and returned to them: where, therefore, these taxes have not actually been received, the assessments are taken, and a calculation made from them, with which there is the greatest human probability of their agreeing; indeed, no other method more clear and conclusive could have been suggested. Of this kind is the additional Window-tax, commonly known by the name of the Commutation-tax: this amounts to 380,000*l.* from Michaelmas 1784 to Michaelmas 1785, and 253,000*l.* from the 5th of Jan. 1785 to the 5th of Jan. 1786. The additional tax also upon two-wheel and four-wheel carriages, 107,000*l.* for the latter, and 59,281*l.* for the former. The added duty on male servants, 42,000*l.* for the latter period, and 26,000*l.* for the former. Farther duty on horses, waggons, and carts, 73,610*l.* to Jan. 1786, and 56,829*l.* to Michaelmas 1785. It is impossible to say all these taxes have been received; but they have stated them in so cautious and guarded a manner, that there is little reason to doubt of their equalling, if not exceeding, the statement.

After these follow the taxes which have not been all received into the Exchequer; those which were laid on in 1784 and 1785, and not having had time for their fair and full operation. The produce of those laid on in the year 1784, at Michaelmas, amounted to 103,000*l.*, and in January to 22,000*l.*; the produce of those laid on in 1785, at Michaelmas last, including the improvement of the medicine duty, amounts to 265,000*l.*, and at the 5th of January to 242,000*l.* To these is added the sum of 14,000*l.* which is yearly paid at the Excise and Alienation-office in part of the civil list; and also the Land and Malt-tax, which being yearly voted, came under this head, and amount to 2,600,000*l.* All these sums added, made together, at Michaelmas 1785, 3,365,000*l.*, which, added to the receipts for that year, viz. 11,874,000*l.* would produce a sum of 15,379,000*l.* But, in January 1786, the whole of the sums amounted to 3,354,000*l.*, which, added to the amount of the receipts for the year,

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made 15,397,000*l.*, only a difference of about 20,000*l.*

This, then, is the annual income of this country, and upon the true statement of which there is every reason to rely. There is, indeed, a small difference in the two statements, the one ending at Michaelmas, and the other at January; but, although I should take the smallest, it would not make any difference in the deductions I shall draw from this subject. Indeed, it is well known to those who, from their official situations, have had an opportunity of observing, that it is some time before new taxes can fairly operate. So many evasions are at first formed, and so many frauds committed, that it generally takes some time before they can be levied to their full extent; and it is owing to this circumstance chiefly that there is a difference between the two terms.

Many of the taxes laid on in the year 1784, and almost all those in 1785, are under the description I have given: and I have the greatest reason to believe they will greatly increase in their produce, when evasions are detected, and more effectual means made use of to collect them fully; and although none of them have been actually paid into the Exchequer, nor is it possible from receipt to form any judgment with regard to them, yet I am persuaded that the particular character which the committee have maintained, will appear, with regard to them, that they are stated cautiously, and within their true limits. There is one tax which I may just mention as an instance of the truth of what I have observed with regard to new taxes; that is the duty on game licences, which has produced 20,000*l.* more since the alterations it received. There is only one error that I can perceive, and that is 4,140*l.*, which ought to be deducted from the produce of the taxes imposed in 1785. Surely, on a subject of this kind, the sum of 4,000*l.* is not a great deal. Some of the taxes in 1785 are stated upon very sure ground, and from what has been received since January, though not received soon enough to be laid before the committee, give reason to believe they will produce more than they are rated at. Among these particularly is the Shop-tax, the House-tax, and the Servants'-tax; the other taxes are stated on more uncertain grounds, such as the duty on pawnbrokers, and some others. Upon the whole, I do conceive, that we may rely upon this account as the real revenue of the country. The committee have stated every thing upon the best grounds the nature of the case admitted; and I have stated their results more for the sake of recalling them to gentlemen's minds than to add any thing new. My object is to shew that it is a fair deduction, and may be taken as the produce of the year from January 1785 to January 1786.

Whether or not we can rely upon this as an annual income, to continue at the same rate to this nation, is another question. I do think we may rely upon it so far as to look upon this annual income as a fund for an annual decrease of our debt; yet I do not look upon it as a certain income. Events may happen to swell this produce beyond the most sanguine calculation; and it may also happen that a disappointment may take place upon subjects so complicated in their nature. The trade and wealth of the nation is too fluctuating to admit that any average can be taken. A sudden disaster may blast all our hopes; and it may happen even that, without any disastrous event to this country, we may cut a poor figure for a year, or a number of years. I therefore do not take the liberty to make any other statement but what the committee have made, and would therefore read what the committee have said at the beginning of their report. For the reasoning stated by the committee, you (as much as they expect) have reason to conclude that this flourishing condition of our revenue will continue. We have nothing indeed to fear. We may lay despondent thoughts aside. Every thing depends upon the spirit of this House, and the resolution, the good sense, and the industry of the country, to put these things out of all doubt. It was more than could be thought possible, that, within a single year, such a success would happen. But it is not confined to one year; ever since the happy æra of the restoration of the peace, this has been more or less the case. The increase was slow at first, but constant; and the happy progress of last year shews, from pleasing experience, that we have no reason to fear its being stationary, or becoming retrograde. A great part of this flourishing appearance which trade has of late put on, and the great influx into the Exchequer, have been owing to the regulations that have been taken to crush clandestine trade. This was the more to be believed, as the increase of revenue chiefly appeared from the customs: and this gave room to hope that further

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great and essential improvements of the revenue might arise from wholesome regulations with regard to articles of illicit traffic. Driven from its strong hold of tea, it lurks in other petty trenches, from whence it may be effectually chased. Every thing that is done to effect this, is introducing a permanent source of revenue by making trade return into a regular channel. What has been done in this way cannot as yet have had its full operation, because, as great capitals were employed in this clandestine business, the occupation will subsist for a while, even although it is a losing trade. The measures taken two years ago, under the articles of tobacco and spirits, have caused the smuggling of these to subside to a great degree, and have much increased our revenue. In the article of salt the frauds are very considerable, and ought immediately to be redressed. But, with regard to wines, the frauds arise to so great, to so enormous a pitch, that, if we will take the effectual measures to repress them, all the deficiencies will be made up in what is stated as the annual progress of the revenue. If we have the means of doing this in our power, and do not make use of them, we must certainly suffer just blame. I intend, for my part, to bring forward very soon a plan for that purpose, which I mean to submit to the consideration of the House, and flatter myself, that, if it meets with their approbation, it will occasion a very great increase to the revenue of the kingdom. After having in this manner represented every thing in the fairest light I am able, to enable you to form a just view of the whole of the real and probable sources of our national income, I shall now proceed upon the idea that this is a true statement of our revenue, which has been laid upon your table by the committee, and that we may expect (with as much certainty as can attend any thing of this kind) that we shall enjoy an increasing revenue of 15,397,000*l.* per annum.

The next subject of our discussion is, what may be the annual expenditure of the nation. This the committee have also stated, and it amounts to 14,478,181*l.* There is a great part of the particular items, of which this sum is made up, that the committee have omitted to mention, because the sums charged have been previously stated by act of parliament. This they considered as permanent expenses, and therefore distinguish them from what is fluctuating. In the former description they considered the interest of the national debt, which is 9,275,769*l.* and with the Exchequer bills, make a sum of 9,532,000*l.*: this part contains also the civil list, 900,000*l.*; the charges on the aggregate fund, 64,000*l.*; and the appropriated duties, 66,500*l.*: the whole of this division is 10,554,000*l.* The other class of expenses include the different establishments for the defence of the nation; as the army, the navy, the ordnance, and the militia. There may be extraordinary charges for these purposes: but that the committee had not any thing to do with in the present estimate; they have stated the expense only that must be occasioned by a peace establishment, and this they have done on a very enlarged and liberal footing.

They have allowed for the navy, during peace, 18,000 men, which is more than ever had been kept up during any peace; and they allowed for this 1,800,000*l.* It must be observed that the committee did not go to state what ought to be the expense of our navy, but only what, after the deduction of all our expenses, would remain as a surplus; and therefore their business is to state every thing on the largest probable footing. They have taken the army upon the same mode of reasoning; and they allow for the charge of it a sum of 1,600,000*l.*, much greater than was in the peace establishment before the last war, when we had so numerous, but distant possessions to defend: and it is extremely probable that this may be reduced, in a short time, considerably under the sum stated in the report. The ordnance, also, is stated largely: this, however, we shall be under the necessity of keeping up: it was found that we were much wanting in this respect in the beginning of the last war; and it would be very hazardous to allow ourselves to run a similar risk in any other.

The miscellaneous services are taken upon an average of some years back; but I think it is very probable that they too have been stated higher than they will be found to be: these arose chiefly from addresses of this House to the King, for particular grants, and also from the establishments of our colonies abroad, and from bills of exchange drawn by their governors upon the treasury: these services were stated at 74,274*l.* Deducting the whole of the expenditure from the annual income, there remained a surplus of 900,000*l.*

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This, then, is the sum which remains to be applied to the purpose of decreasing the annual debt: but, as the fund for this purpose ought to be a million annually, I shall move, in this committee, such taxes as will produce the sum of 100,000*l.* And I am happy to say that this may be done without laying fresh burthens upon the people. I shall move that an additional duty be laid upon spirits: they were formerly charged in what is called the wash, with 7*d.* per gallon, that was afterwards decreased to 5*d.*; I shall now raise it to 6*d.* per gallon, which will produce about 70,000*l.*, without being any encouragement to smuggling. Another I mean to lay is only a modification of a tax; a duty upon the importation of two species of timber, deals and battens: I will rate this at 30,000*l.* I shall lay another upon an article of mere luxury; upon perfumery and hair powder: these I will rate at 15,000, or 20,000*l.* So that, altogether, the sum wanted to complete the million will be made up.

I must here observe, that although this is stated to be the annual expenditure, some time must intervene before the expenditure can be reduced to this point. It must be attended to, that we are only just emerged from the most ruinous and expensive war in which this country was ever engaged. Many of the heavy burthens we incurred during that war, had not ended with the conclusion of it, but still continued, and must be expected some time to continue to hang upon us. Under the head of the navy, many ships that had been laid upon the stocks were to be finished. They had been built too far to allow them to go back, and to be lost to the public; and they were, besides, necessary to increase our naval strength to an equality with our powerful neighbours. This was so considerable, that, although the committee had stated the peace establishment of the navy at 1,800,000*l.* yet the expense attending this present year was 600,000*l.* above it, though it may not, perhaps, be more than 560,000*l.* In the army also, the exceedings were much above the common run of the expense on that establishment; and this amounted to nearly 300,000*l.* This is chiefly expended in a way where justice and humanity forbid economy—to the reduced officers on half-pay, and to the widows of officers; a part of the navy extraordinary is taken up in the same way. These two sums would go almost to annihilate the surplus, if it was to be applied to these purposes within the year. But in truth and fact they are not annual charges, they are only the remaining sums of the expenses of last war, and must cease altogether in a few years. It would, therefore, be unfair and unwise to charge them as annual expenditures. In four years the great burthen of them, that of the ship-building, will cease: nor can this be effected sooner. I conceive, therefore, that you must look to a future average to come at your expense. It appears to me that this may be done with great safety; and I have not a doubt but that resources are to be found that will justify this mode of proceeding, and be sufficient to keep every thing well without burthening the nation. And if we judge in this manner, the expectations raised by the public will doubtless be amply satisfied.

Now, therefore, I wish to call the attention of the committee to this object. I am clear that we immediately appropriate this million to the payment of the debt, even although the time when we shall have this surplus free from all other expenses, cannot be exactly ascertained. I myself am persuaded, that, as I have already intimated, we have certain extraordinary resources to which we may apply to liquidate this sum, without the addition of new taxes. Let us then examine what sums they are for which we have to provide the means of payment. This extraordinary expense chiefly arises from the navy: and it was occasioned by the very large contracts into which we had entered for the building of ships. On this account 2,400,000*l.* had been called for this year, as the extraordinary expense of the navy; but this would not continue to be required after the ships now building were completed. This would decrease each year, and would be, in every probability, reduced to a standing sum for a peace establishment in the year 1790. This expense, and the very liberal establishment of 1,800,000*l.* would enable us to possess a marine the most flourishing this country ever beheld. As the estimate for the navy stands this present year, it is 600,000*l.* above what is stated at the settled peace expense in the year 1790. But it is to be noticed, that, after two new ships have been completed, which will be in the course of this year, this extra sum will be reduced to 400,000*l.*; this, in four years, amounts to the sum of 1,600,000*l.*, and, with the additional expense of this year, to 1,800,000*l.*

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With regard to the army, the expenses also had been very great, but were of a nature which also tended to diminish, in time, but which it was impossible to restrict. What this chiefly arose from was, as I mentioned before, from pensions to officers widows, and to officers upon half pay; and this sum amounted to about 260,000*l.* Under this head of expense comes also that occasioned by bills of exchange from our colonies abroad: these amounted to very considerable extra sums of late years. But when we recollect, that we are not now obliged to keep up the immense establishments abroad that we have been accustomed to do, we may expect these will diminish very rapidly. Our chief expense at present arises from Canada; and from the well-known prudence, honour, economy, and disinterested spirit of the gallant officer who is now appointed to that command, we have every reason to hope that a very considerable saving of expense will be produced. I need only mention his name to enforce conviction of whatever I say in his praise; the great and gallant officer I speak of is sir Guy Carleton. Those who are acquainted with his military talents and military conduct, deservedly hold him high indeed. But from his no less acknowledged disposition to economy, from his vigilance and activity, we may say, that, whatever can be done by care and attention will be effected. And at present, even the extraordinary expense is not very considerable, as far as it has come to our knowledge; but we have reason to think that a saving may be produced on this establishment.

Another matter of expense comes properly under this head; and it is what the House have already acknowledged to be a just demand upon the justice and generosity of this nation, that is, a provision for the American sufferers. Their situation demands the most tender consideration. Nor would I choose to mention any sum for this purpose: if it was a great one, it would raise the expectations of those unhappy people; and I would not wish to say any thing more to them than that I hope there will be a generous and liberal regard paid to their melancholy and unfortunate circumstances. Another matter of extra expense under this head, is the ordnance; but as Parliament have not decided what is to be the expense of it, and have already disapproved going into large additions to this part of the national establishment, I shall not say what sum will be necessary for this purpose. All these different subjects of expense are, in a great measure, uncertain; nor is it possible at present to say, with minute accuracy, to what particular sum they will amount: but I think a sum of 300,000*l.* is likely to be the call for those purposes, and to be provided for in the course of two or three years.

There is another matter of expense which the committee have not mentioned in their reports, and which is the subject of the King's message this day; this will be a matter before Parliament. The impossibility of reducing the civil list within the sum of 900,000*l.* allowed by Parliament, proceeded chiefly from that part being mortgaged for the payment of certain Exchequer-bills, by annual payments of 50,000*l.*, which reduced it from 900,000 to 850,000*l.* Of these Exchequer-bills there remains due about 180,000*l.*; and there was besides, an arrear against the civil list of about 30,000*l.* more. The Crown had long been embarrassed by this incumbrance; and that it may be entirely removed, I shall move, on this day se'nnight, when his Majesty's message shall be taken into consideration, for the sum of 210,000*l.*

The whole, therefore, that we are now to find the means of providing for is, the extra expenses of the navy and army, which I have stated liberally at 3,000,000*l.* This is to be accounted for in the course of four years, after which time we shall have a clear annual surplus of a million, unincumbered with any demands upon the national income. Although this sum should be funded, and ways and means found to answer the interest, it would not occasion any great burthen upon the people; but the state of this country at present is so very flourishing, that I am happy to say that it will not be necessary to burthen the people with any taxes upon this account, but certain extraordinary resources are to be found within ourselves that will abundantly answer what is here required. The committee first make mention of Lotteries; which are, indeed, a resource that Government can have recourse to, but which is in itself so encouraging to a spirit of gambling, that it is doubtful whether it ought to be adopted. The spirit of gambling is indeed so deeply rooted, that I am afraid it is of little consequence whether a lottery be withholden or not, and it is always a

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resource equal to 140,000*l.*; however, as it is not resolved by Government whether there shall be one this year, I shall not put it to account.

The next head they mention is that of Army Savings, and this bears the appearance of being very considerable: and indeed a very considerable sum under this description had been paid into the Exchequer; this consisted chiefly of money that had been appropriated to different services and which had not been expended. This had been very considerable in the peace following the war before the last; and from the extent of the immense grants during this war, we might expect much more. Of these sums, together with the surplus of several funds, the amount of 450,000*l.* had already been paid into the Exchequer. There are, besides this, immense sums in the hands of former paymasters, which, it is to be expected, we shall be able in a little time to come at. The mode, hitherto, of keeping the army accounts has been extremely open to abuse; and accordingly paymasters have taken every advantage to keep the public money in their hands. Notwithstanding this, it is to be hoped that as soon as the commissioners have time to call in the out-standing accounts, they will be enabled to collect a very great sum: this is justified as far as they have gone; but the labour is extremely great, as they have to go through no less than one hundred and eighteen regiments of foot, and as many regiments of horse and dragoons, whose accounts for non-effective men had not been examined into for twenty years together. One regiment they had gone through already had produced 22,000*l.* for the use of Government; and although I cannot be so sanguine as to hope that every regiment will produce as much, yet I think I may state the total, including contracts and other articles of abuse, at the sum of 100,000*l.*

The next source mentioned by the committee, is a balance due from the East India Company for the subsistence of troops in India, and on account of victualling the navy. This amounted to 600,000*l.*; and there was a probability of its being paid in a very short time. The committee also mentioned the Unclaimed Dividends in the funds, that a part of them might be applied consistently with the safety of the public creditors to the public use. The Crown lands are also a source of produce; but as it is not determined how to dispose of them, I will not mention them in the account; and that perhaps it might be thought right to apply them to the relief of the American loyalists.

The great article upon which the committee dwell, and upon which they founded their expectations of a permanent surplus, is the improvement of our revenue by proper regulations to discourage smuggling, and give room to the fair trader to reap those advantages which are due to his labours, and which must in every light add to the amount of the customs; this, both by encouraging the legal merchant, and bringing those goods to a regular entry that would have been clandestinely disposed of. The regulations which had been already made in this respect, had not had room for their full operation, and yet they have occasioned a very great addition to the revenue of the nation, and might be expected still to increase, as this increase is regular and progressive, and not the sudden effect of the suppression of our warlike operations. It is indeed not easy to be conceived, by those not conversant in those subjects, how numerous and how artful the frauds are which are daily put in practice in every subject of the national revenue. One article, that of wine, required immediate remedy; and I flatter myself with very great sums indeed from this branch. The consumption of wine in this country is not diminished, and yet it does not appear that the average of last year compared with the year 1746, is equal to it in produce of revenue, so far that it sinks below it no less than 240,000*l.* Without laying a burthen upon the country, there are many regulations to be made in the article of spirits that will increase the revenue from that branch of trade. The article of tobacco is another object that attention must be paid to: and I have no doubt that from the regulations that will be proposed in these articles, at least 300,000*l.* annually may be produced. In another session of parliament I intend also to bring about a consideration of the customs, which will undoubtedly add greatly to the produce of the revenue: we shall not, however, enter upon this at present; I have stated enough to the House. Those who compare our annual sums with our annual expenditure, may here see sums equal to apply to the deficiencies without any new demands, or any new burthens upon the people. I have stated what these deficiencies may be, as matters of uncertainty; but if it be about 3,000,000*l.* the

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whole may be provided for without any new burthens of any sort. Why, it may be said, do I not fund this? For this good reason; that I shall not, in all probability, have occasion to raise it: even if it were funded now, there could be little hazard of its being made good.

I may now proceed to lay apart the million: but before I enter upon that part of the discussion which relates to the particular mode of applying this annual sum, it will be proper to consider the effect it will have. If this million, to be so applied, is laid out, with its growing interest, it will amount to a very great sum in a period that is not very long in the life of an individual, and but an hour in the existence of a great nation: and this will diminish the debt of this country so much as to prevent the exigencies of war from raising it to the enormous height it has hitherto done. In the period of 28 years the sum of a million, annually improved, would amount to four millions per annum. But care must be taken that this fund be not broken in upon: this has hitherto been the bane of this country: for if the original Sinking Fund had been properly preserved, it is easy to be proved that our debts at this moment would not have been very burthensome: this has hitherto been, in vain, endeavoured to be prevented by acts of parliament: the minister has uniformly, when it suited his convenience, gotten hold of this sum, which ought to have been regarded as most sacred. What then is the way of preventing this? The plan I mean to propose is this: that this sum be vested in certain commissioners, to be by them applied quarterly to buy up stock; by this means, no sum so great will ever lie ready to be seized upon on any occasion, and the fund will go on without interruption. Long, and very long has this country struggled under its heavy load, without any prospect of being relieved: but it may now look forward to an object upon which the existence of this country depends; it is, therefore, proper it should be fortified as much as possible against alienation. By this manner of paying 250,000*l.* quarterly into the hands of commissioners, it would make it impossible to take it by stealth; and the advantage would be too well felt ever to suffer a public act for that purpose. A minister could not have the confidence to come to this House and desire the repeal of so beneficial a law, which tended so directly to relieve the people from their burthens.

The persons who should be appointed to this commission should be of rank and distinction, to secure them from suspicion, and to give, as far as character could go, a belief of their discharging it with faithfulness. In the first place, I think it right that the respectable commoner, whoever he shall be, who fills the chair of this House, should be placed at the head of it. Parliament, in instituting a commission of so much importance towards the support of national credit and prosperity, could not more solemnly, nor more pointedly promulgate its high sense of the duty by which that commission is bound, than by appointing the first member of this House to be at the head of it. I think also, without ascribing any thing to myself, that the person who holds an office so intimately connected with finance as the Chancellor of the Exchequer, ought to have a place in this commission. There is another person, who, from his high rank, as well as from his virtues and reputation, I think ought to have a share in this business, and he is also, at present, a member of this House: this is the Master of the Rolls. The governor and the deputy-governor of the Bank of England I think ought also to be of the number. Also the accountant-general of the high court of Chancery, who, by virtue of his office, was already employed in the money of all suitors and wards in the funds, and increasing, by that means, the capital, by the accumulation of compound interests. Such as these persons I shall propose to be appointed to this trust, when the Bill comes before the committee. There might be some difficulty in determining how to regulate the conduct of the commissioners in the purchase of stock; but that might, perhaps, be left to their own discretion. But, although it might be proper to leave the manner of doing this to their own prudence, it would not be so proper, by any means, to leave to them the regulation of the time when they were to purchase: this, I think, ought to be on every transfer day in the quarter, at regular periods, and in equal sums.

I am very far from ascribing any merit to myself in suggesting this scheme; but, I cannot but think myself peculiarly happy in having a task to perform so very different from any of my predecessors, and that, instead of expending the money of the public, I should have the great good fortune to be led to set about to diminish our burthens. This plan, which I have now

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the honour to bring forward, has long been the wish and hope of all men; and I am proud to flatter myself that my name may be inscribed on that firm column now about to be raised to national faith and national prosperity. I shall not detain the House longer, because I am persuaded that they must be already tired of the tedious detail upon which I have been under the necessity of entering. The time when the operation of this fund is to begin, I think should be upon the 5th of July. At that time let 250,000*l.* be paid into the hands of the commissioners for this purpose; and after that, continued quarterly: this will make 750,000*l.* to be expended during the three quarters. I shall just mention upon what I found the expectations of having a surplus this year, of 750,000*l.* after paying the current expenses of the year; by which there will appear a surplus over and above the stipulated annual one of some hundred thousand pounds.

	£.
The House had voted for Seamen	936,000
Ordinary of Navy	1,645,000
Extraordinary	800,000
	3,281,000
Army Plantations, Extraordinaries, &c.	1,966,261
Ordnance	333,000
Civil List, &c. making the sum voted	8,956,261
Exchequer Bills	2,500,000
Sum not yet voted	810,824
The total of the supplies would then be	12,477,085

The Ways and Means are as follow:

Land and Malt tax	2,750,000
Exchequer Bills	5,500,000
Surplus of the Sinking Fund, in hand	582,000
Estimated produce of 1786	3,444,000
Arrears from East India Company Life Annuities, &c.	1,086,000
Amount of Ways and Means for the current year 1786	13,362,480
From which deduct the surplus, as above	12,477,085
Remainder	00,885,395
From this sum deduct the three quarterly payments, beginning on the 5th of July, of 250,000*l.* per quarter, for the reduction of our debts, amounting to	750,000
And there would be a neat surplus of	135,395
But if, as the Committee stated, the revenue do rise according to the latest experience, there would still be a farther difference in our favour of	313,699
Making in this case a clear excess accruing at Christmas next, (above the regular surplus) of the sum of	449,093

I shall now move, "That it is the opinion of this committee, that the sum of one million per annum be granted to his Majesty, to be vested in Commissioners, and to be by them applied to the reduction of the National Debt, and that the same be charged upon, and made payable out of the surplusses, excesses, overplus monies, and other revenues, composing the fund commonly called the Sinking Fund."

Sir *Grey Cooper* observed, that great powers of reasoning were far from being necessary for the purpose of explaining the proportions and degree of the accumulation of money at compound interest. On this subject an enlightened author (baron Maseres) had copiously written, and much had been said about a proposition perfectly simple, and obvious to every capacity. He rose, therefore, not to advance a word upon that circumstance, but to remark that the committee had proceeded to form their report on principles extremely novel, and directly opposite to those that the wisest men in former times had thought the most certain guides to their judgment, and the most to be depended upon, as leading to the true state of the object of inquiry. The committee had founded their report on the present year's amount of the receipt of the public income, because it had proved a remarkably favourable year, and they had not stated the real expenditure of the year; for, that opposed to the receipt, would not certainly have afforded any surplus on the balance. On former occasions, the rule had been, invariably to proceed in a different road, and by a fair average of a number of years income and expenditure, taking good and bad

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years together, to strike a balance upon such an average and consider that balance as a footing not likely to prove fallacious; but as firm and to be relied on with security. He held in his hand, a publication, that came out two years after the end of the war before last, and which, it was well known, was printed under the protection of, and corrected by a great minister of that day (Mr. George Grenville). The pamphlet was entitled, 'Considerations on the State of the Finances of the Nation.' In that pamphlet the opposite doctrine to that on which the report on the table was founded, was laid down and maintained. Sir Grey stated the instance, and argued upon it to prove how differently Mr. Grenville had reasoned, compared with the right hon. gentleman (Mr. Pitt). Sir Grey said, the right hon. gentleman (Mr. Pitt) himself was not a more sincere friend to the idea of diminishing the national debt, nor more anxious to have its diminution effectually secured, than he was; but it was his duty to examine the means by which the right hon. gentleman wished that House to proceed, and to point out the particulars, in which he thought those means premature or inadequate. When the right hon. gentleman had introduced the question of fortifications, he remembered he had talked in the same sanguine manner of his certainty of accomplishing a speedy and effectual reduction of the national debt, that he had done that day. He had said the wish of his heart was to have his name inscribed on a pillar, to be erected in honour of the man who did his country the essential service of effectually reducing the national debt. This was a magnificent idea; it was, however, his duty not to be dazzled with its splendour, but, when the first stone of its basis was going to be laid, coolly and carefully to examine the ground on which it was proposed to be erected, to see whether it was firm, solid, and stable, or loose, hollow and uncertain. With this view he had risen; and if it was not laid down by the House as a rule, that nobody was to be heard in reply to any thing said by the right hon. gentleman—[The House had at that moment been so disorderly, that sir Grey could scarcely be heard]—he would endeavour to convince the committee, that it behoved them to proceed with caution; and great, important, and necessary as the business recommended to them was, to take no one step farther in it, before they were certain that they were proceeding on good ground, and that the path they were advised to pursue, would lead to success. Sir Grey next adverted to the manner in which the right hon. gentleman had talked of the Exchequer bills,—[Mr. Pitt having said, the three millions of Exchequer bills to be paid off need not be taken into the account, as they made an article under each distinct head of supply, and ways and means, those to be paid off ranging under the head of the former, and three millions more that were to be issued in discharge of them, ranging under the head of the latter] declaring that it appeared to him a little extraordinary that the right hon. gentleman should mention Exchequer bills in so light a way. Was he aware that they would be a great inconvenience, and materially depress the market under certain circumstances, at least possible? There were at present more Exchequer bills unfunded than ever were left unfunded by the noble Lord in the blue ribbon, during the whole course of the war. The *data* given in the report, were unsafe for the House to act upon in so important a particular. To illustrate this point, let it be supposed that a man has a hop-ground, and wants to raise a sum of money; he has a fortunate year, and has neated a profit of 500*l.* that season; he goes to a neighbour and offers his hop-ground at a mortgage; he tells the neighbour his profits, and shows him his books; the neighbour naturally says, "This is a very good account, but how am I sure the same success will attend the ground and its produce another year? the season may be unpropitious; a variety of incidental and unavoidable circumstances may occur." In vain would the owner of the hop-ground boast of his superior skill in the cultivation of hops; that he had manured his ground, and prepared his bines so as to defy the accidents of chance, and that he had put the harvest and its consequences beyond a hazard, by securing the integrity of his pickers, and the care of his servants employed in the cultivation and management of the hops, both before and after picking; his neighbour, if he had any common sense, would say, "No, I won't lend my money on any such risk as the success of a single year; prove to me by the average of a number of years, some good, some bad, that the profits yielded by the hop-ground *communibus annis* are sufficient to secure me from danger, and you shall have the

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money you want." This case would apply to the subject in question; one favourable year's receipt was not a sufficient ground for the committee to proceed upon; greatly to be wished therefore as it must be by every man present, that the national debt could be effectually reduced, he had his fears that if they proceeded prematurely, and upon the plan suggested, mischiefs (not benefits) would arise; every design would be defeated, and bring on a multitude of obstacles, instead of lightening the burthens of the nation.

Mr. *Fox* observed, that the elaborate and far-extended speech of the right hon. gentleman (Mr. Pitt), whilst it reminded him how much time had elapsed, suggested also a conviction of the impropriety of trespassing, at the present advanced hour, too long upon the attention of the House; but in the outset of what he had to say, he begged leave to declare that no man in existence was, or ever had been, a greater friend to the principle of a sinking fund than he was, and ever had shewn himself from the first moment of his political life. He agreed most perfectly with the right hon. gentleman in his ideas of the necessity of establishing an effective sinking fund for the purpose of applying it in diminution of the national debt, however much he might differ with him in respect to the most prudent and useful mode of making the application, and however much he might differ with him as to many parts of his speech, and a variety of observations it contained. With respect to the conduct of the committee to whom the papers had been referred, he should not scruple to declare that their mode of taking averages had been not only different from that of every former committee, but totally the reverse of that which had ever been deemed the fairest mode of taking an average. In illustration of this remark, he instanced the produce of the tax on malt, in averaging which, for six years, the committee had stated, that a particular year (1782) was uncommonly deficient. Now, the use of an average had ever been supposed to arise from the averaging a number of years produce, among which years there might be years of extraordinary deficiency, or years of extraordinary plenty. He next pointed out the fallacy of stating the receipt of the present year, which happened to be a year of uncommon rise of revenue, and opposing to it, not the actual expenditure of the present year grounded on the votes of that House; but the probable expenditure of the year 1790. He asked, whether that was a fair comparison of the annual receipt with the annual expenditure, and whether—as the right hon. gentleman had admitted what, indeed no person could deny, viz. that 600,000*l.* more had been voted for the navy, and 400,000*l.* more for the army, this year, than appeared under the head of expenditure—it was not manifest, that so far from there being a surplus of 900,000*l.* there was a deficiency? He reminded the committee of the difference last year between himself and the right hon. gentleman, respecting their reasoning upon the balances of certain quarters, which had been selected as the most favourable quarters; and said, it now plainly appeared, that if he had at that time calculated the balances that would result upon the whole of the four quarters, when the year should be completed somewhat too low, the right hon. gentleman, it was evident, had calculated them much more too high. He reminded them also, that when he had said in argument, on one of those occasions, that he believed there would be some balance, the right hon. gentleman had echoed the words 'some balance' with an air of disdain, as if he (Mr. Fox) had talked with ridicule or with contempt of a matter which it was certain would turn out to be a monstrous balance. The fact was now before the committee; and he begged leave to ask whether it was not true, that so far from there being some balance for the present year, there was none at all? Though it had turned out to be in both particulars exactly as he had stated it would turn out, he mentioned them not with any view to triumph over the right hon. gentleman, but merely to shew that he had been right before. The right hon. gentleman had observed, that 1,800,000*l.* for the navy, included 18,000 seamen, a larger number than had ever been known in a permanent peace establishment in the most flourishing state of this country. He could wish to know what the right hon gentleman saw in the situation of the affairs of Europe that could induce him to imagine that a less numerous establishment of seamen would be sufficient, or a more contracted navy than 1,800,000*l.* could provide? For his part he saw much, that served to prove that a still greater naval establishment was necessary; for, much had of late happened, which looked as if all Europe was combining to form engagements hos-

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tile to this country, and detrimental to its interests at present, and its efforts in case of a future war; while no transaction that had lately taken place in any of the foreign Courts wore a favourable aspect. Under such a period, to say we had a more powerful navy than had ever been known in time of peace, in the most flourishing of former periods, was saying nothing. Had we a navy sufficient to cope with the combined marine of the maritime Powers? If we could not effect such a purpose, we fell short of what was, in his opinion, indispensably necessary to our immediate safety and our future security and well-being as a naval power. He agreed, nevertheless, in the propriety of dedicating the surplus fund to the diminution of the national debt; and, whether the whole of the report was true or whether it was erroneous, he should still be of opinion, that it was right to pay off a part of the national debt, and highly proper to begin doing it immediately, even if the consequence were, that the sinking fund was not found equal to it; in which case, he held it to be the duty of that House to make good the sum so appropriated to that important service, and to continue so to do, even if they were annually obliged to impose new taxes on the subject. When he said this, however, he begged to be rightly understood, as to how far he agreed in respect to the present plan; it was merely to the commencement of some plan; and a better one than that proposed, might easily be adopted. The parts of the plan that he disapproved were two-fold: the one, making the sum appropriated unalienable in the time of war; the other, making the obligation to pay off the debt general, and not pledging or binding it closer. He pointed out various disadvantages that might result from tying up the sum in time of war; and contended, that as the committee and the object of their institution were not bound down to any specific point, both were liable to be annihilated by a future parliament. He reminded the House of the mode of the original institution of a plan for paying off a part of the national debt, which had been by a subscription of individuals, to whom the faith of Parliament had been pledged to pay off certain specific portions at stated periods. He dwelt on the difference between the two modes, observing, that when the nation or when Parliament stood bound to individuals, the pledge was held as sacred as the pledge to pay the interest of the national debt at present, or the annuities now payable; and, undoubtedly, nothing short of a national bankruptcy would prevent the sums engaged to be paid to individual subscribers; whereas upon the conditions on which the committee would stand, what should hinder a future minister, in a future war, when the exigency of affairs might require additional burthens to be imposed on the subject, from coming down to that House and proposing to repeal the Act authorizing the institution of the committee, and enabling government to apply all the money and stock in their hands to the public service? What should hinder the House from agreeing to the proposition? or was it at all likely that, under the exigency of the moment, they would not immediately agree to it, when so much money could be easily got at, and when they could so readily save themselves from the odious and unpleasant task of imposing new taxes on themselves and their constituents? With regard to the Chancellor of the Exchequer being one of the commissioners, he thought it perfectly right, that whoever held that office should be one at least in such a commission. The Chancellor of the Exchequer was an officer in whom that House reposed great confidence in respect to matters of finance, and who certainly ought to have an immediate connexion with the diminution of that debt, the creation of which had unavoidably been an act of his own, in the necessary discharge of his official duty. From the various guards which the right hon. gentleman had suggested it to be his intention to put upon the committee, it was obvious that he saw the suspicions to which it would be liable, and therefore Mr. Fox declared, the more guards put upon it the better. Unfortunately, however, the more the guards, the less the economy of the system. He expressed some doubts whether the compelling them to lay out the money on certain days might not raise the market, and whether it might not happen that on some of those days when they might be obliged to buy, there might be no sellers, and consequently the committee become compelled to force the market, and by so doing, raise the price so high, that in such instances all the benefit would be lost to the public. The right hon. gentleman had talked of spreading the money into several sums, and by that means reducing each so small as to avert as much as possible the effects he had stated as

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probable to happen. Of that he approved, but he could by no means agree that the committee were to act a public part. The fact was, they were to become private stock-brokers with the public money. He descanted on this, and stated his reasons for wishing their acts to be as public as possible, which were, he said, the only means that he knew of to save them from a good deal of that suspicion to which it was easy to see they would be exposed. Mr. Fox again adverted to the report and to the statements made by Mr. Pitt in his speech, several of which he combated. He mentioned the necessity of providing new taxes in lieu of such as had failed, that should produce the sums for which they had been given, and by that means preserve the sinking fund whole and entire. In order the more amply to point out the necessity for this, he animadverted for some time on the actual produce of the different taxes of the last year. The Shop-tax for instance—which he said he should ever hold to be an odious, oppressive, and unjust personal tax—had been nominally given for 120,000*l.* whereas it appeared from the assessments that if they were all paid, (which undoubtedly was not likely to be the case), the produce would amount to no more than 70,000*l.*, and when the modifications lately made to it, came into operation, that 70,000*l.* would be reduced to 50,000*l.*; so that a tax taken at 120,000*l.* would produce no more than 50,000*l.* In that case, and in all cases like it, he held it to be the duty of a Chancellor of the Exchequer to propose either a new tax that would be efficient for 120,000*l.* and repeal the shop-tax, or a tax that would be efficient for the 70,000*l.*, the sum which the shop-tax fell short of producing. During the war he had repeatedly held language urging the necessity for the deficiencies of the new taxes being made good by other taxes, and the answer of his noble friend in the blue ribbon had always been, that during the war, they must get on as well as they could; but that when peace should come, that would be the fit opportunity for making good the deficiencies on the war taxes. In that answer there was some reason; but the right hon. gentleman had not the same excuse; and yet all his taxes did not produce much more than the one half of the sums for which they had been given. As to the Commutation-tax, he must ask the right hon. gentleman if the greater consumption of tea that it had occasioned in this kingdom, as well as the greater consumption of a far greater proportion upon the whole than ever of teas of the higher sort, quality and price, which increased the necessity of the East India Company to send out to China and expend considerably more in the purchase of teas than ever had gone to China, was any matter of solid satisfaction to him, as guardian of the commerce and revenues of Great Britain? Was it by such extensions of trade, that he wished to be considered as a friend to the revenue or commerce of the kingdom? Or would he assume any merit for having extended a trade, before so disadvantageous to this country, in respect to exports and imports? He thought it fair to warn the right hon. gentleman on so important a consideration; and he would leave it to himself to draw the necessary conclusion from the circumstance. The right hon. gentleman had said, he observed that our resources were near cracking just before the war was brought to a conclusion: for his part, he never had been of that opinion, nor ever had stated that he was: but what sort of melancholy reflection was held out to the public by his committee, when it was the clear deduction from their statements, that the permanent peace establishment was not to be expected before the year 1791—eight years after the conclusion of the war! Mr. Fox declared it as his opinion, that with good management, the expenses of the war might have been sooner wound up. He recapitulated his principal objections to the plan proposed, and said, he thought they were considerably weakened by not making the fund unalienable in time of war. He entered into a good deal of argument to prove, that 27 years was too long a period to look forward to for the effect of the plan; as, before that period, it was not improbable we might have another war: and a variety of circumstances might occur which would operate as temptations to a future Chancellor of the Exchequer, to propose to a future House of Commons to repeal the act, annul the institution, and divert the appropriation of its stock to the immediate services of the year: he therefore again, in very forcible terms, recommended the other mode of proceeding by individual subscription. In the course of his speech, he entered largely into the detail of the argument of Mr. Pitt, assuring the House that however difficult they might think

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the subject, and therefore be loth to listen to it, or to endeavour to make themselves master of it, nothing was more easy; there was not the smallest conjuration in it, and he that ran might read. Mr. Fox spoke rather loosely; but he displayed, as usual, on budget days, great ingenuity, and a wonderful familiarity with the subject of finance in all its various branches.

Mr. *Pitt* answered, that as two or three things had fallen from the right hon. gentleman, it became necessary for him to say a few words; and first, in regard to the statement of the balances of the quarters amount of receipt, about which they had differed last year, and respecting which the right hon. gentleman had now been so good as to say the report proved that he had been in the right, but that he forbore to assume it as a matter of triumph to himself: for this forbearance he was much indebted to the right hon. gentleman, but still more for his having put him in mind of the difference; because, upon a reference to the report it would be found, whether the right hon. gentleman had, as he had himself that day declared, stated the amount of those balances somewhat too low; or whether he (Mr. Pitt) had stated them a great deal too high. Mr. Pitt then reminded the committee, that he had stated the probable amount of the balances when the four quarters should have been completed, in four different modes; upon one mode he had at that time declared, that he was not sanguine enough to place much reliance; upon the next mode, he had calculated, that the amount would be the specific sum of 12,600,000*l.*; upon the third mode, a smaller sum; and on the fourth, a still smaller. The second was the amount to which he had been tied down by the right hon. gentleman, and upon reference to the committee's statement of the actual receipt, it would be found that the amount was more than 12,500,000*l.*—He hoped the right hon. gentleman would not consider it as any disparagement of him, if he declared, that the idea of paying off a part of the debt by a subscription of individuals, had been suggested to him by many others, and that he himself approved it, but would not adopt it on account of certain inconveniencies to which it was liable. With regard to preserving the fund to be invariably applied in diminution of the debt inalienable, it was the essence of his plan to keep that sacred, and most effectually so in time of war. He must contend, that to suffer the fund at any time, or on any pretence, to be diverted from its proper object, would be to ruin, defeat, and overturn the whole of his plan. He hoped therefore, when the Bill he should introduce should pass into a law, that House would hold itself solemnly pledged, not to listen to a proposal for its repeal on any pretence whatever.

Mr. *Fox* answered, that he would at another opportunity state the outlines of a plan by which the diminution of the debt might be so commenced without being liable to the objections hinted by the right hon. gentleman. The beginning to pay off the 4 per cents. first, and then the 3 per cents. was undoubtedly right. He mentioned the reasoning upon the subject which they had formerly heard in defence of beginning to pay off the 3 per cents. first, and so proceeding to pay the others in regular progression upwards, upon the idea, that if the 3 per cents. were at par, it would cost the public 30*l.* every 100*l.*, and therefore the greater the loss upon that stock, the wiser would it be to get rid of it first.

Mr. *Sheridan* observed, that there was, in point of fact, no surplus whatever in the present year; a circumstance evinced not only by the report itself, but by the whole of the right hon. gentleman's speech that day. The day had commenced in a very inauspicious manner, and when he used that phrase he meant no disrepect to his Majesty, but merely to hint at the royal message relative to the civil list, which was an extraordinary introduction surely to a business, the event of which the public had been taught to look forward to with the pleasing expectation of finding a surplus in their favour. He was a little surprized, that the right hon. gentleman, who, when he two years ago asked for 60,000*l.* to clear the debt then due on the civil list, had in a manner pledged himself to the House, that no farther debts should arise, and that the House should not again be applied to for farther grants on the subject, should come again so soon for so large a sum of public money. [Mr. Pitt said across the House, "Oh no, I never said any such thing."] The right hon. gentleman must excuse him, words said at some distance might be forgotten; but he was clear in his recollection of the circumstance, and indeed it was evident he must have used some such argument, or else why should the right hon.

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gentleman have asked for 60,000*l.* two years ago, and come down again then and claim grants for an arrear of so large an amount as 210,000*l.*?

Mr. *Pitt* considered this as the most extraordinary attack that was ever made upon him. The hon. gentleman had said that words might be forgotten after they had been said: it was undoubtedly true; but it was also true, that words might be misrepresented, and if ever he had heard a gross misrepresentation of his words, it had been the charge stated by the hon. gentleman. He never had pledged himself not to come again to that House for any debts on the civil list: when he asked for the 60,000*l.* two years ago, he had expressly said, there was a farther arrear, but that he had not been in his office long enough to ascertain what the amount was. It was in the recollection of the House whether he had ever said there was now an arrear of 210,000*l.*; he had said, the civil list was in arrear 30,000*l.* and he had at the same time stated, that 180,000*l.* was wanted to pay off the remainder of the exchequer bills, for which 50,000*l.* a year of the civil list was mortgaged.

The motion was then put and agreed to.

Debate on the Bill for disabling persons in the Office of Ordnance, Navy, &c. from voting at Elections.] March 30. The order of the day being read, for the second reading of the Bill brought in by Mr. Marsham "for securing the freedom of elections of members to serve in parliament, by disabling certain officers and persons employed in or under the several offices of Ordnance, Navy, Navy Pay, Victualling, and Sick and Hurt, from giving their votes, at such elections," the said Bill was read a second time. On the motion that it be committed,

Mr. *Gascoyne* rose, and asked what authority that House possessed to take away any man's franchise? He knew of none. He had voted against Mr. Crewe's Bill to take away the franchise of the revenue officers for the same reasons that he should vote against this, because he condemned the principle. What station in life, in public life at least, was exempted from a wish to advantage itself through the medium of Government? And what was there dishonourable in endeavouring to arrive at preferment through that powerful influence? If it was improper in one rank of life, it was equally improper in another; and when a reform was set about, it ought not to be partial, but general. Gentlemen were anxious of preferment through the three different professions of the army, the navy, and the law. Was there an ensign who did not wish to be a lieutenant, a lieutenant a captain of a company, a captain a major, a major a colonel, a colonel to have a regiment, and then become a general? In like manner in the sea service; and, again, in the law, was there a barrister who did not languish for a silk gown, a silk gown to be a Welch judge, a Welch judge to be attorney or solicitor-general, and after that to be a baron of the Exchequer, or a chief justice? And how were these pursuits, perfectly honourable, to be accomplished but by the influence of the Crown? Even in the city, did not men aspire after preferment? First they were common-councilmen, then deputies, then sheriffs, then aldermen, and lastly lord mayor; and in all this what was improper? And where was the culpability if an excellent workman in the dock-yard, or a skilful clerk in an Ordnance-office, endeavoured to gain preferment? Nor would he consent that men so circumstanced should be treated so unjustly as the Bill under consideration would treat them, if it were passed into a law. On this account he felt it his duty to oppose the motion.

Mr. *Drake* asked, whether the House would wish to drive the workmen from the dock-yards, and force them to take refuge in the dock-yards of inimical France, or unfriendly Spain? The House had no right to take away their franchises, and therefore he should vote against the Bill. He could not be a friend to a measure which went to deprive several people of their franchises: the House had passed regulations for qualifying and admitting members into itself; but out of the House, he thought it should not be attempted to restrict the liberties of the individual. The influence of the Crown ought always to be kept within proper bounds: he wished to see it like a tree, of which the luxuriant branches should be pruned; but he never would desire the branches of the tree to be leafless, or the trunk stripped. When the vote was passed, declaring that the influence of the Crown had increased, was increasing, and ought to be diminished, Mr. Crewe's Bill was the result; but that happened in a divided, undecided administration, when the House was scarcely confident of the due reliance it had a right to repose in administration: he was not

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always ready to give up his opinion to the ultimate view of any person *pedibus ire in sententiam;* but to propose an alternative to a man, between his interest and his duty, was cruel. The artificer who lived in the country, born free, must now be deprived of his birth-right. What is then to be done? He must retire to another climate. Our enemies will receive our ship-builders, who must be driven from us, by depriving them of their liberties at home.

Mr. *Marsham* maintained that the object of the Bill was to confer a favour, and not to inflict a punishment; to do no injury, but grant an obligation. The objects of it, he was persuaded, would feel themselves relieved from a burthen after it was passed. What right had gentlemen to conceive the Bill would be deemed a hardship by the objects of it? Had any one petition been presented to that House against it? Gentlemen well knew the Bill had been in agitation some time, and that no one petition had been sent up against it; he was warranted therefore in presuming the objects of the Bill were rather pleased than displeased with it. He knew that the hon. gentleman who spoke last was truly actuated by the best of motives. But why call the administration of the noble marquis, now no more, an interregnum? He was certain that the principles of that nobleman were such as deserved the highest applause from his country. His maxims of government were to procure the applause and concurrence of the wisest and best men in the kingdom, and it was in his patriotic administration that the former Bill had passed. If abuses, which it was declared, existed, he knew no higher authority to govern the proceedings of that House than the House itself. Abuses existed by the influence which was known to be exerted in the dock-yards, for gaining votes to return favourite members to parliament; and such people were preferred to these stations as were able to serve a purpose. He was assured, that some of the most able workmen were unemployed, whilst people of inferior merit were preferred. This was a heart-breaking circumstance; no petitions were presented against the Bill by those interested, and he thought, if those people were anxious about their votes, they would have addressed Parliament. But if Ministry were not friends to the principle of the Bill, why not avow it, and give it a direct opposition?

Mr. *Pitt* said, that he thought it necessary to make some observations on a transaction of the noble Duke at the head of the ordnance, with respect to certain savings and retrenchments in the expenditure of his office. It had now been stated, that the defence alleged in favour of the noble duke was, that he had only acted as his predecessors had done before; but he perfectly remembered that no such defence had been made, but that, on the contrary, he had been vindicated on the very grounds of his having differed with his predecessors in office. With respect to the question before the House, he professed that he could by no means agree in principle with an honourable gentleman who had spoken against it; however, on the present occasion, he should probably vote with him. The hon. gentleman had gone into a general reasoning on the unconstitutional tendency of depriving any person, or description of persons whatsoever, of their right of voting; for his own part, he should most willingly admit, that a deprivation of that sort was a thing to which recourse ought as seldom as possible to be had, and never but in cases of great necessity, where it appeared absolutely inconsistent with the freedom of election, and the independence of Parliament, that certain classes of men should be permitted to vote. To deny this doctrine, would be to deny that the regulations which marked out and limited the qualifications of voters, were justifiable or legal. The restriction imposed by the Bill on the officers of Excise and Customs, was one widely different, as well in itself as in its circumstances, from that now proposed to be extended to the servants of the Navy and Ordnance. He had himself voted for that Act, and he did not repent so doing. But when the hon. gentleman called upon such persons as had supported the former measure to give their assistance to the present, on the idea of consistency of conduct, he confounded together two objects in themselves extremely discordant; for he could see so broad a difference between the two cases, as would fully reconcile him to the rejection of the one, without abandoning any of those principles which had induced him to support the other. At the period in which Mr. Crewe's Bill was introduced, the House had very sufficient grounds for proceeding in the business in the manner in which they did: a short time before it had come to a resolution, which the cir-

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cumstances of the times fully warranted, "that the influence of the Crown had increased, was increasing, and ought to be diminished." The truth of this position was, indeed, too apparent from the history of the times; and the people had imbibed a conviction that the House of Commons, under the operation of that influence, were induced to lend their assistance towards the carrying on a most ruinous and disgraceful war, after it had long ceased to be a favourite with the nation. The object of Mr. Crewe's Bill was to give effect and life to the principle of that resolution, which otherwise must have remained a dead letter on the Journals. Nothing certainly could have been better calculated to reduce that influence of the Crown, so much complained of as a grievance, than the restrictions imposed on the officers of the revenue by that Bill; but, was it to be laid down as a rule, that because it was necessary to reduce the influence of the Crown to a certain level, it would of course be an act of inconsistency to refuse to reduce it farther? If, indeed, the principle had been established, that the influence of the Crown ought to be completely destroyed and overturned, (which, by-the-bye, was certainly true in matters of election), then each step would be an argument in favour of the succeeding one, and the charge of inconsistency would have fairly applied against those who, having consented to go certain lengths, should decline to go the whole. The reason for passing that Act then, was the necessity of reducing the influence of the Crown. Had that been accomplished? If not, why extend to a greater compass an invidious distinction, which, having nothing to support it but its necessity and beneficial operation, must lose all shadow of propriety, if that operation should be found to fail? But if it had proved successful, then the object for which it was adopted became obtained, and the influence of the Crown was diminished. Nor could the argument of consistency be any longer used to enforce a farther proceeding, unless it were contended, that the diminution already effected was not sufficient. But it was not so much on those grounds, for he was willing to admit that any influence whatsoever, remaining in the Crown, in matters of election, might be effectually done away as much as it was possible, and would be consistent with the principles of justice and of right. It was on other grounds, much stronger and more impregnable, that his objections to the present Bill were founded. If any descriptions of men whatsoever were improper, from the nature of their situations, to have any share in the constitution of that House, it was the very men who had been excluded from that privilege by Mr. Crewe's Bill, while, on the contrary, there were none more deserving of such a privilege than those whom it was now proposed to deprive of it. The former persons being concerned in the collection of the public revenue, it followed that the extension of the public burthens must be conducive to their private interests, and therefore they were the most improper persons to be intrusted with a power of electing the members of an assembly, whose principal duty it was to prevent as much as possible the accumulation of impositions on the people. How different, then, in this point of view, were the situations of the two classes of men—the one fattening on the distresses of the country, the other earning a livelihood by contributing to its defence! Besides this, there was another material discrimination to be observed from this circumstance, that the officers of the Excise and Customs were dispersed over every part of the island; there was not a nook or corner of it in which some of them were not to be found; and in many places also they were collected together in great numbers, and so formed a sort of phalanx which covered the whole kingdom; whereas the workmen belonging to the Ordnance and Navy were confined to a few parts of the kingdom, chiefly on the coast of Kent, Southampton, Devonshire, and Cornwall, and even on those to a few spots. But another distinction, and the most striking of all, between those persons was, that the revenue officers were completely under the influence of Government, which could either serve them as their patron, or by depriving them of their employments reduce them to beggary; and therefore, having no resource, they were under a necessity of submitting to the dictates of those who had the power of ruining them, if refractory. But, on the contrary, the persons employed in the departments now under consideration had no reason even to thank their employers; for, by going into the service of a merchant, they might earn as comfortable a livelihood as they could in the service of the public; and should they be exasperated by any ill treatment in consequence of non-com-

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pliance with the mandate of their superiors to leave the kingdom, there was not a maritime nation in the world which would not be ready to receive them; and thus the benefit of their skill and industry would not only become lost to this country, but thrown into the scale of our rivals, or perhaps our enemies. Had there ever happened any real cause of complaint against any of the persons belonging to this class, for submitting to take their orders from Government at elections? The land victory of an honourable officer had been mentioned with triumph; but did that triumph argue any thing but this? Either that the influence of Government had not been exercised at all, or, if it had, that it had been exercised ineffectually. Gentlemen would please to consider who were the representatives for those counties to which this supposed influence was wholly confined. Were they such as a government possessed of influence, and wishing to use it, would be desirous of countenancing? No. From their independence, as well in fortune as in principles, they were the very men whom, of all others, such a government would wish to keep out of that House. But it had been argued that, among the number of persons belonging to those departments, there were, comparatively, but few possessed of a right of voting. This, he apprehended, was a strong objection against the measure, because the evil, even if it existed in its utmost possible degree, must yet be extremely insignificant; whereas, by applying the remedy now proposed, a material injury would be done by stigmatizing a most useful, nay, an invaluable body of men, and consequently giving them cause for ill-humour and discontents, which might lead to the most dangerous and destructive effects.—Some honourable members had thought proper to dwell much upon the subject of the borough of Queenborough; but did they mean this as a step to a parliamentary reform? If they did, he should go hand in hand with them, provided the borough in question was really so defective in its constitution as to call for reformation. He knew well that there were but too many boroughs, against which similar complaints might with justice be alleged; and in going to the reformation of Queenborough, he should only regret that it was a limited instead of a full remedy of that vice of our constitution, and the unfair and partial mode of election of members of parliament. Let it be avowed whether such was the design; for, however he might be dissatisfied at the trifling extent of the reformation, he should notwithstanding gladly embrace it as a beginning. Yet gentlemen should take care whether, by thus depriving a part of the electors for that borough of their franchises, they might not add to the evil which they meant to cure; whether they would not so far diminish the numbers of the electors, as to leave the disposal of the election in the hands of either some powerful man in the neighbourhood, or of a petty corporation, a prey to the most open and profligate venality, by which the very worst sort of members might become introduced into that House. If it could, however, be made appear that there had really existed any abuses in the elections for Queenborough which called for prevention, there was a method of doing away all danger of their recurring again, and at the same time of avoiding the bad consequences of throwing the whole power into the hands of a few; and this was a method that he should be happy to see adopted in more instances than that of Queenborough—the extending, instead of contracting, the privilege of voting, as in the case of New Shoreham. Such were his sentiments; and, consistently with these, he should not hesitate to meet with an opposing voice any act which went to deprive of the immunities of British citizens a multitude of valuable individuals.

Mr. *Fox* contended, that when the right hon. gentleman threw out insinuations against the borough of Queenborough, he seemed labouring, but vainly, to bring discredit against the framer of the Bill, as if he wished to destroy the influence of the Crown over it, only for the purpose of transferring the borough to one or more private individuals. The right hon. gentleman had at first seemed to imagine that there was some degree of influence proper to remain in the Crown; but he had afterwards recanted, and acknowledged that no such influence ought at all to exist; and if thus, the whole of the right hon. gentleman's argument, on the subject of consistency, went for nothing, for it was founded on the doctrine, that however proper it might have been to diminish the influence of the Crown, yet it might also prove inexpedient entirely to destroy it. This, however, being given up by the right hon. gentleman, the whole force of the charge of inconsistency would come home

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to him if he persisted in the opposition. If depriving the officers of the revenue of the right of voting tended to reduce the influence of the Crown over elections, the depriving those other servants of the Crown of the same right must necessarily reduce it still farther; and by the right hon. gentleman's own acknowledgment, it could not become reduced too low, because it ought to be wholly and completely abolished. The right hon. gentleman had pretended to make a distinction between the different persons concerned in the former and the present Bill; he had first distinguished them by the circumstance of one body being extended over the whole kingdom, and the other being confined to a few places. He should not take upon himself to say which of the two bodies of men were most dangerous, but he would assert that the right hon. gentleman's argument only went to shew, that the officers of the revenue were a more dangerous set of voters, from being more diffused and numerous, than the servants of the Ordnance and Navy. Yet this argument, admitting it to be true, did not reach the principle of the measure, but only tended to prove, that although it was necessary and proper, yet it was not so necessary or so proper, as the former regulation. He had also ventured to say, that no bad effects were ever felt from the interference of those men in elections under the influence of Government. There had been no contest for Kent for many years back, and he hoped, while the present gentlemen continued to offer themselves, that no influence would be able to defeat them; but in Southampton, there had been a most violent contest a few years back; and no gentleman who remembered the circumstances of the election would pretend to say, that no influence was used by Government on the people employed in the dock-yards. The idea of arguing, that because the exercise of influence had been unsuccessful, the influence itself could not exist, was too ridiculous for reprobation; and on this occasion he should instance the cases of two honourable baronets (sir Henry Fletcher and sir James Lowther), in which the former triumphed over the latter in an election for Cumberland, and yet no person could say, that the latter had no influence in the county. The right hon. gentleman had objected to the exclusion of those persons from the right of voting at elections, on the supposition that it would prove a stigma upon their characters. Would any gentleman venture to avow, that in depriving the officers of Excise of this right, he intended to affix a brand on that very useful body of men? Was it also to be alleged that the exclusion of those persons, in whom the highest confidence was placed, the Commissioners of Excise and Customs, was intended as a stigma upon them? If it were, that side of the House would indeed deserve all the ill language and all the calumnies which had been thrown upon them by the right hon. gentleman. But it was contended, that the advantage resulting from this regulation would prove very much confined, because very few of the persons concerned had a right of voting. The same argument would have applied to the Excise and Custom-house officers, because very few of them enjoyed that privilege. It was difficult to avoid smiling at the idea of supposing that the artizans, if deprived of their votes at elections, would go to foreign countries in resentment. What were they to do abroad? Were they to have voices in the appointment of members of parliament in France? Were they to influence the elections of Spain? or were they to look for a share in the aristocracy of Holland? The influence of the Crown had not, in any degree, decreased since the time in which the celebrated resolution was entered into by that House. The circumstances of the late changes, on the contrary, too plainly proved that this influence had continued most rapidly to increase in such a degree as to fill every true friend to the constitution with the most alarming apprehensions. To reduce that influence, therefore, within some limits, and to ease the objects of the Bill from being the slaves of power, and thereby to make them depend for preferment solely on their skill, their experience, and their merit as workmen, he should most heartily support the present measure.

Lord *Mulgrave* observed, that the right hon. gentleman who spoke last, wandering from the fair field of argument, had intermingled his remarks with personal attacks against the Minister; but their two characters were before the public, who would decide upon their respective merits. The objects of the Bill were praise-worthy for not having petitioned the House; and therefore their interests ought not to fall less under their consideration. As to the conduct of the earl of Sandwich, while at the Admiralty-board, it was more than defensible. But who, indeed, had ever dared

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to grant a workman preferment when it was his turn, merely on account of his election interest? The man who did so, deserved to die upon the scaffold. He should vote against the Bill, because he regarded it as hostile to the principles of the constitution.

Mr. *Honeywood* maintained, that the Bill could not be said to take away a franchise from a dock-yard workman, because that could not be termed a franchise, which the holder was not permitted to exercise freely. He saw, with pain, that Mr. Pitt, who voted for Mr. Crewe's Bill, contended against the Bill then before the House; but from his reserve upon the subject at first, he suspected that such would be his conduct.

Mr. *Rolle* said, that he had voted for Mr. Crewe's Bill, because at that time he was of opinion that the influence of the Crown was too great, and that it ought to be diminished; being at present of a contrary opinion, and thinking the Bill an unjust Bill, he should vote against it.

Mr. *Courtenay* said, that lord Mulgrave had urged a most extraordinary argument on the question; but he had too high an esteem for the noble lord's abilities to think him serious; for the noble lord had expressed great anxiety lest the constitution of the country might be endangered, and our rights and liberties destroyed, if this Bill were passed into a law; as the large body of workmen in the dock-yards, and ordnance artificers, might at some future period, from mere resentment, take a decided part with the Crown, and enable some ambitious monarch to establish despotism and arbitrary power! The noble lord had also explained and amended a position of the Chancellor of the Exchequer, and maintained exactly the same principle and the same argument, by asserting that it would be of no advantage to the country if the influence of the executive power were reduced in some petty corporations, if by such means the influence was transferred to some leading gentlemen of fortune in the neighbourhood. The fallacy of this argument, and the obvious distinction between the two cases was so apparent, that he should not mis-spend the time of the House in pointing them out, but proceed on a principle more consonant to the professions of the Chancellor of the Exchequer; and he should expect the right hon. gentleman's support, when he had proved (which he trusted he should be able to do) that the noble Duke at the head of the Ordnance lavished away the public money, to maintain his interest in the borough of Queenborough. He had on a former occasion stated that a saving of 2,000*l.* on the report of the Superintendant of Shipping, might have been made by adopting the scheme proposed and recommended. An hon. gentleman had, indeed, asserted, that the arrangement was not adopted, because it appeared to the noble Duke and the Board both expensive and useless. Still, Mr. Courtenay said, he was convinced that the building barges, &c. and disposing of the Queenborough boats, would, in the first instance, cost 3,000*l.*, yet the advance of the principal was amply compensated by an annual saving of 2,000*l.* In fact, it was gaining 1,850*l.* a year by paying 150*l.* interest. This saving, trifling as it might appear, would, on the Chancellor of the Exchequer's calculation, at compound interest, pay off the national debt in 5 or 600 years, which period, long as it might seem, was no more than an hour in the existence of a nation. Mr. Courtenay said, that the late master-general of the Ordnance (viscount Townshend) had proceeded on a suggestion of the noble Duke's in retrenching the expense of the Queenborough naval establishment; for, the noble duke himself, in the year 1782, glowing with all the zeal of patriotic reformation, and the hopes of coming into office, had, in one of his declamatory invectives, pointed out Queenborough as a striking instance of the corrupt practices pursued by Administration, and of the lavish expenditure of the public money by the Ordnance, to bribe the electors of that borough. On that ground, viscount Townshend had ordered an inquiry—had received its superintendant's report; and was determined to carry his plan into execution, and had actually given him express and decisive orders to do so on the 19th and 20th of December. On these orders, the superintendant had actually proceeded, when the noble duke thought proper to countermand him; and there the matter still rested. The surveyor-general had said, that the late Board had themselves put a stop to the business on the 23d of December; this Mr. Courtenay apprehended was a mistake, as they had not acted officially after the 20th. Probably the mistake arose from this, that the noble Duke, eager (as he always was) to serve his country, and to proceed immediately

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on business, had, after kissing hands, gone down to the board-room, and entered a minute on his own authority, to check the officious zeal of the superintendant, and save the loyal freemen of Queenborough from destruction. The hon. gentleman (Mr. Luttrell), not perhaps being acquainted with the official impetuosity and precipitation of the noble duke, had, naturally enough supposed, that the order of the 23d of December had been given by the late board. On the closest examination, Mr. Courtenay apprehended this would be found strictly and correctly the fact; but, as he was informed, and from good authority, the noble duke's kindness to this most favoured borough had not stopped there: he had, since, preferably employed the Queenborough sail-makers, and ship-builders in the repair of the ordnance vessels, perhaps because they had offered lower terms; but this was not done by public advertisement, though the noble duke had grounded a libel on the late board, for not pursuing this mode, and made a panegyric on himself for invariably adopting it.—Mr. Courtenay now begged leave to state a fact which would shew in the strongest light the noble duke's practice contrasted with his professions; as he seemed to have a strong inclination to lay out the money of the public, not alone to influence the electors at Queenborough, but likewise to purchase a seat for one of his friends in that House. The fact he alluded to was this: when the noble duke first came into office, sir C. Frederick, who had served in the Ordnance above forty years, applied to the noble duke for his recommendation to the King, for some adequate provision for his long and faithful services. The noble duke's answer was very proper: he said, that certainly he could not comply with sir Charles's request, as he had heard injurious reports of his official conduct, when acting as surveyor-general at the Ordnance. Some time after, the noble duke wrote a letter (which Mr. Courtenay had seen), and said he was happy to find, on a strict inquiry, that all those reports were false and groundless, and therefore he had recommended him to the King, for a pension of 500*l.* on the the superannuated list, without ever mentioning a word, or even annexing any condition of sir Charles's vacating his seat in parliament. However, when the paper, signifying his Majesty's pleasure, was to be drawn up, it was so artfully worded, that sir Charles's seat was absolutely vacated, on his accepting this gracious provision for his long and faithful services. An hon. member of the House (Mr. Kenrick) at that time one of the Board of Ordnance, knowing sir Charles's intention, objected to the form in which the paper was drawn, as unnecessary, and contrary to precedent on similar occasions. But finding his remonstrances in vain, as the only resource, he acquainted sir Charles of the fact, who had just time to come down to the House to prevent a vacancy being declared, and a new writ issued for Queenborough. The noble Duke, in consequence of this, prevented the King's gracious intention from taking place, and sir Charles was deprived of any provision until a change of administration took place.

Sir *Charles Middleton* said, he should vote against the motion, more particularly on account of a number of young men, some of whom were now apprentices, and others had served their time in the yards. Many of these were the sons of freemen in the neighbouring boroughs, or entitled to small freeholds in the neighbouring counties. Sir Charles argued that it would be exceedingly wrong, considered as a matter of policy, to strip the franchise from this body of men, for no other reason but because they belonged to the dock-yards. He stated, that those useful young men, who were paid but 2*s.* 4*d.* a day, would, if they were cruelly and unjustly disfranchised of the right of voting, certainly fly from the service, and attach themselves to the merchants' yards.

Mr. *Pye* took notice of what had been said relative to the driving the workmen out of the dock-yards of this country, and declared himself against the Bill, as tending to deprive Englishmen of their birthright, without the least pretence of their having committed any crime. He added, that although the objects of it might not take refuge in France or Spain, they might in America, which, doubtless, was considerably more detrimental.

Sir *W. Cunynghum* complained of certain persons belonging to the dock-yards, having come down to Scotland, and interfered against him at his last election; and he appealed to Mr. Dundas as to the truth of the fact.

Mr. *Dundas* acknowledged that he certainly had opposed the hon. gentleman in the manner he had described, and it was entirely because of his party principles. He

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declared it to be highly indecent for any gentleman, by bill or otherwise, to attempt to fix a stigma upon any set of men whatever, merely because they were employed in the King's service. He reprobated Mr. Crewe's Bill, and desired any one to stand up and shew his face manfully and boldly in refutation of the arguments he had advanced. He treated the idea of all reform bills of that sort, with a considerable degree of contempt and ridicule; declaring that whenever gentlemen of a particular description were out of place, they found it necessary every now and then to amuse the public, by serving up a dish of disfranchisements.

Mr. *Sheridan* declared, that the right hon. gentleman had truly said, that he never made an assertion without being ready to shew his face at the same time; for, he believed the House would agree with him, that he had never advanced an argument, however irreconcilable with reason or logic, upon which he had not been perfectly ready to put a good countenance. With regard to his dish of disfranchisements, he, of all men, should not have set it before the House, who doubtless must well remember that the right hon. gentleman had not only first been induced to nibble a little at a plate or side dish filled with the same ingredients, but had afterwards been brought to sit down to a whole course of dishes of that sort, when his right hon. friend near him had served up his grand entertainment of parliamentary reform. The object of that reform had been, not to disfranchise a single description of men merely, but a large number of voters from many different boroughs. [Mr. Pitt said, across the table, "No such thing!"] Mr. Sheridan thanked him for his correction, and said he recollected the people were to be paid for giving up their franchises, which suited his argument better, because every body knew where money was in the case, the right hon. gentleman would be better pleased. But, how unconstitutional was the idea of purchasing with a bribe, that which it had ever been contended no Englishman could sell or part with for money—his unalienable right of voting at an election. He alluded to what lord Mulgrave had said respecting that man's deserving to lose his head who used the influence of the Crown improperly. [His lordship rose to set Mr. Sheridan right, and repeated his words, declaring that he had said, that man ought to lose his head, who exercised the powers of Government in the manner alluded to.] Mr. Sheridan said, he was glad to find the expression was 'ought to lose his head,' because if it had been 'would have lost his head,' the right hon. gentleman would not that day have had a face to have shewn in that House.

After some further conversation, the House divided: Yeas 41, Noes 117. The Bill was consequently lost.

Debate in the Lords on the Bill to explain and amend Mr. Pitt's East India Bill.] March 31. The order of the day being read, that a Bill entitled "an Act to explain and amend certain provisions of an Act made in the 24th of his present Majesty, respecting the better regulation and management of the officers of the East India Company," be read a second time,

Earl *Fitzwilliam* requested the attention of the House to some remarks concerning the explanatory Bill which he held in his hand. Explanatory he called it, from the title it bore, and not from the matter it contained. Considering it to be rather dark than elucidatory, he should request from his Majesty's ministers that they would a little explain what the principle of this Bill was. The preamble, without mentioning, as in all cases of necessity had hitherto been the practice, "that it was expedient so to do," merely said, "that a doubt may arise, whether, according to the strict letter of the former act, the nominations and appointments made, or to be made by the court of directors, of any of the covenanted servants of the Company, to supply the vacant office of any counsellor in any of the presidencies, are or would be valid or effectual, unless such covenated servants were actually resident in India at the time of making the nomination, and that therefore to obviate this doubt the present Bill is brought in." The circumstance of making one Act to explain another, on a supposition that a doubt may—not has arisen, was a new and curious mode; but he should not pretend to take up the attention of the House, if, from the Bill itself, he could find out where the doubt lay in the former Bill, and what really was its intent as to the principle of the present one. That the first Bill was full of errors, and fraught with absurdities, was pretty evident, before it passed into a law; and that Ministry now in part confessed it to

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be so, the order of the day fully proved. The new clauses, however, which had been introduced, in order to rectify the old blunders, or rather under pretence of having that for their object, went much farther, and tended to establish a system, that in his opinion was multiplied with inconsistencies, and fraught with injurious restrictions. There seemed to be something levelled at the commander in chief, general Sloper, by the first provisional clause in the Bill, where he was incapacitated from sitting at the council in any of the presidencies. Why this interdiction was introduced, it would be requisite for ministers to demonstrate, or it might be a supposition not ill-founded to imagine, that the disappointment which a certain person met in general Sloper, and not his friend being appointed, had operated in the introduction of this disgraceful clause. There certainly did not appear on the face of the Bill, in its preamble, or in any of its contents, one reason to warrant so flagrant a departure from what had been considered as an actual part of the necessary appendage to the consequence, as well as the power of a commander in chief. That the governor-general should be invested with great power, was a truth, which experience had taught us to be salutary to the politics of India; but that he should have new and extraordinary powers given him, required more arguments to demonstrate, than had yet been adduced in any discussion on the topic of India. He was led to make this remark, from that part of the Bill which ran to this effect: "That so much of the former Act should be repealed as appointed, that in case of sickness of any of the counsellors of Fort William, Fort St. George and Bombay, or in case of their absence for fourteen days, the senior civil servant of the Company on the spot should succeed." For this repeal introduced a new mode, which was, that such civil officer should be at least twelve years resident in India. This was an interdiction to the employment of men of merit in cases of emergency, unless they had entitled themselves to the situation by twelve years servitude. It would be necessary for ministers to explain the reasons for this alteration in the old laws of the Company. There were other clauses, which also came within the same questionable shape, in respect to empowering the governor-general of Fort William, in Bengal, and the several governors or presidents of Fort St. George and Bombay, with a discretionary power to act without the concurrence of their respective councils. Under all these circumstances, he felt it necessary to solicit an elucidation of this new system from the ministers of the Crown.

Lord *Walsingham* contended, that there was not, in the present Bill, any reflection whatever meant on the conduct of general Sloper, and that his appointment was not at all considered when the clauses alluded to were introduced. There was a general benefit meant in the alteration; and it would respect every commander in chief, as well as the able and experienced officer now commanding the military in that part of the world. The principle of the Bill had for its object that which the former Bill intended; there was no part of the intention abandoned, the meaning was still the same—a reform in the executive government of India, a reform which was most loudly called for. As to any new powers given to the governor-general, they were such as were found expedient to the system established. A division of sentiment, of political sentiment, whether from private pique or from public motives, had too often stopped the operations of government in that part of the world, created confusion and multiplied difficulties. To avoid this in future, and to put into the hands of the governor those powers, without which his executive government must be impeded, were the great outline of one part of the system; and he begged the House to recollect, that it was by the exertion of such authority that India was saved by lord Clive. Many other instances, where it was requisite that the governor-general should have this extensive authority, must be in the memory of all acquainted with the transactions of India, and it was on the most mature deliberation, and from the best established premises that the conclusions were drawn on which the present system respecting India was founded. As to any disappointed views of any person with whom he had the honour to act, he knew not what the noble earl could mean. General Sloper was an officer of high estimation; and as he had not committed any fault to deserve disapprobation, it was not natural to suppose that an act of parliament would be passed, in which a clause was introduced to give him personal offence.

Viscount *Stormont* observed, that he

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refrained from opposing the least amendment in the former Bill which passed, because it was in itself so absurd, so ridiculous, so inefficacious, so unconstitutional, and so oppressive, that any alteration must be an amendment. And yet in these alterations, as was justly observed by the noble earl who spoke first, there were a variety of errors—errors of a very capital nature, which the noble lord who rose to defend the principle of the Bill was not so happy as, in his mind, to remove. The first Bill was indeed a most pernicious bill, and yet, even pernicious as it was, ministers so highly plumed themselves upon its justice and its purity, that they actually declared that they should plant their existence in office and their characters as statesmen, upon its rectitude, its efficacy, and its faultless political wisdom. Yet before that very Bill had been many months in India, and almost as soon as its executive clauses began to operate, ministers found themselves under the necessity of repealing some of its most essential parts. The noble lord had declared, that this Bill did not mean to injure, or curtail the power of general Sloper personally; but that it went to all commanders in chief, who might be appointed in future, as well as to him. Was this the real fact, and was there not some sudden cause—some secret motives in the transaction, which could not meet the face of open day, and stand the test of truth? The injury done to the general was not indeed openly pointed—it was a blow in ambush—it was an oblique command to him to resign his authority, because, after passing this Act, he could no longer hold it with honour to himself, nor with credit to the profession. This, no doubt, was a circumstance, which the framers of the Bill knew, when they introduced the clause to deprive him of his seat at the council board. As the India business was now established, there did not appear any person who was actually responsible to the public for the transactions of that empire. There was not any one to apply to from whom a satisfactory answer could be had, or who deemed himself actually amenable to the laws of his country. There was an evident proof of this upon record; certain papers were moved for, which the House denied as dangerous, in the very moment when the Board of Control said, they had nothing to do with the matter, as it was commercial, and when the Court of Directors, in consequence of that answer, declared, that they were totally out of the question, as the matter entirely lay with the board. Thus sent backwards and forwards, when application was made, it was a pretty evident truth that the present system was to take away all responsibility in respect to India. This was so totally different from the practices to which this constitution had been habituated, that there was every reason to warrant a disapprobation of the ministerial plan in respect to India. The whole operations of Government were bad; for as to system, or any thing like system, it was not to be found in their conduct; a kind of heterogeneous mass of contradictions and weakness marked all their transactions. They had neither strength nor stability. He could not avoid again turning to the situation of general Sloper, whose character as an officer was held in high repute. What did the present Bill effect in respect to that officer? It wounded the soldier in his honour, without affording him dignity in his disgrace, or splendour in retirement. He mentioned those terms, because his dismissal from the council must be construed into disgrace, and the consequent giving up of his military command, must make him retire from service. As to the clause which gave to the commander in chief such extensive powers, he was confident that the noble lord, who by his recent appointment was to enjoy them, would not abuse his trust; but it should be considered it might one day happen that some man, with the ambitious mind of Cromwell, might find himself at the head of the council and of the army in that part of the world, and there clothed with a supreme authority, and with unlimited control, he might look to a degree of supremacy which should ever deprive this kingdom of its Asiatic dominions. He did not mean by this, that the hands of the governor-general should be tied up so as to prevent him from exercising a very great authority, because in the nature of the case, from his situation, and a variety of other very extraordinary circumstances, he should be armed with the most ample and extensive powers; but he should not have those powers in the extraordinary manner, and under the still more extraordinary restrictions of the present Bill. Their lordships would please seriously to attend to the clauses mentioned by a noble earl (Fitzwilliam), to the ridiculous, and, in a variety of other respects, the injurious tendency of the whole. To what hardships

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must a governor-general be reduced, who having experienced civil officers of the highest integrity, from whom the best advice and most complete assistance in times of great public difficulty and danger was to be expected, yet could not bring them into council, because they had not been twelve years in India! Did the clime so ripen the ideas of men by residence, that there was no man under the standard of twelve years experience, who was fit to advise in cases of emergency? or were the governors always to be considered such intelligent men, that on the moment of their landing, their abilities intuitively partook of such exquisite discernment, as to point out to them, in case the accidents of death, absence, or sickness in the respective councils happened, who were the most proper persons to supply the places of absent members? The new clause gives that power with that provision; and the one in the former Bill, which appointed the senior officers to succeed, is repealed. It is repealed as the Bill recites, but not as the noble lord in office proved, because it had been productive of difficulty and embarrassment. Of what difficulty, or what embarrassment, some noble lord may probably have an idea; but for his part, it was beyond his comprehension. He did not by this mean to say, that the clause in the former Bill was a good one. His intention was to prove, that by what was called an amendment, the executive part of the government in India was rendered more difficult. As to the commander in chief, he must again touch upon that subject, and recite the clause to the House. It contained something curious in its reasoning, if reasoning it might be called. It recited, "That it may be more expedient that any such commander in chief should not, by virtue of his office, be a member of any of the respective councils in India, unless he was specially appointed thereto; and, therefore, that so much of the former act as did direct, that the commander in chief for the time being, or the commander in chief in the presidency of Fort St. George and Bombay, had voices in the council, should be repealed." To this there was indeed a provision added, that nothing should extend to preclude the court of directors from appointing the commander in chief to be governor-general, or from appointing the governor-general to be commander in chief; for which last purpose it was most probable that the clause had been introduced. But the most extraordinary clause in the Bill was, that which declared that it would greatly tend to the strength and security of the British possessions in India, and give energy, vigour, and dispatch to the measures and proceedings of the executive government, if the governor-general of Fort William in Bengal, and the governors-general of Fort St. George and Bombay, were vested with a discretionary power to act without the concurrence of their respective councils, thereby subjecting themselves personally to answer to their country for what they might do. This clause effectually put an end to the power of the council, and reduced them to mere cyphers: indeed, the Bill went so far as to put it into the power of a governor-general to suspend persons at his own pleasure, and without assigning any cause whatsoever. He did not now mean to oppose the Bill any farther than to give notice, that he thought many amendments were necessary.

Lord *Sydney* remarked, that general Sloper was an officer for whom he had the highest regard, nor would he ever consent to a clause in the Bill, if that clause came within the descriptive intention alluded to. As to what had fallen from the noble viscount respecting responsibility, he could inform their lordships, that the Board of Control were responsible with their lives, their honours, and their names. If any injury had been done by abstracting the commander in chief from the Council Board, there were means of retribution. But, surely, the descriptions of the noble viscount were not warranted by existing facts.

The Earl of *Carlisle* having observed, that the noble lords in office appeared to contend, that the judicature at home were responsible for what they did, expressed his wishes to know how this could be proved, when the subject of complaint was shifted from the board to the directors, and from the directors to the board. The directors and the court of judicature were fortified and secured from all responsibility to the public; and what must be the result of this security? The guilty escaped unpunished, and Indian enormities might continue in the fullness of rapine, plunder, and oppression. The palliative offered by the noble lord in office to the wounded honour of a soldier, could never be acceptable. Where was the retribution which could wipe away the disgrace of a parliamentary act of dis-

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respect to an officer openly appointed by Government, and to whose merit that Government paid, in words, the highest respect, whilst in deeds they were doing it the most essential injury? What palliative could ministers offer, that a soldier in such a case could accept? What excuse could they make for an act of perfidy? Neither promotion nor money could excuse them, or make him satisfaction. He was the man of their choice; and deservedly so, no doubt: but, strange to tell, before he had done any thing, almost as soon as he was landed in the place whither he was sent out, he is followed by an act of parliament to degrade him; in short, to force him to give up that command with which he had just been honoured, but which it was found expedient to make him resign, that the political principles of disappointed consequence at home might be satisfied. This, in fact, was the origin of the clause for exempting the commander-in-chief from the council; for it did not at all answer the purposes of the new India scheme of government, that one person high in office should be a watch or a check upon another. It was found necessary to establish a despotic government in that part of the world, and to prevent as much as possible any cries of Asiatic distress, any complaints of Eastern tyranny, from reaching the courts of British justice. He begged that it might not be understood, that he meant even the most distant reflection on the character of the newly-appointed governor-general. He was a man too high in honour, probity, and patriotic spirit, to be bribed by any set of men in the word. He was a person with whom he had long held an intimate acquaintance, and to whose character no panegyric, though ever so high, could do more than common justice. He much feared, that the unsuspecting disposition of this noble lord had laid him open to the snares of political men, and that he, as a bright character of justice, was to be led innocently into a system of government, where indeed his heart and inclination would never permit him knowingly to err; but where the principles of the Bill under which he was to act, must either lead him into unintentional criminality, or into speedy resignation. He begged the House to attend to the circumstance of the oath. The India Company gave a man the most absolute command, under an act of parliament, which has a clause to make him responsible for his conduct, and then they propose an oath. Now the question in this respect was, whether the oath bent him more than the responsibility, or the responsibility more than the oath; and in another point of view, it was, whether he could with safety take that oath? In the common course of reason it appeared, that he could; and on this account—the oath was a solemn declaration, that the governor-general, in his conscience and judgment, swore that he was convinced that it was essentially conducive to the interests of the East India Company, or to the safety or tranquillity of the possessions in India, that the order and resolutions now made, declared, and recorded, &c. should, and ought to be made in the council there. Was it possible that any man laying his hand upon his heart could take such an oath, and say he had sworn the truth? Nay, the oath went farther:—it declared in the same solemn manner from the mouth of the governor-general, that he conceived himself bound in duty to order and command the same to be recorded on opposition, and notwithstanding the dissent of every other member of the council. A man in this case, who accepted the governor-generalship of India, must have a very complying conscience upon oath; or, at least, a conscience that relied for its purity on the purity of others. How could any man swear that he was convinced in his judgment and conscience that a matter was absolutely conducive to the interests of a trading company, when he had not examined what passed at home as well as what passed abroad? and when it was impossible for him to know, on account of the distance and the fluctuations of politics, that which was essentially conducive to the interests of the Company?

The Earl of *Abingdon* said:—My Lords; I do not rise to enter into the discussion of Indian politics, their remoteness from hence has pretty well kept them out of the reach of my inquiry, and their complexion has not (hitherto at least) been of that cast as to make them either the wish of curiosity, or the object of improvement to me; and when I have said this, I have perhaps offered two of the best reasons that can be given in support of a Bill that means by its provisions not to govern India in England, but to remove those politics from the fountain-head of government, and to confine their exercise as much as may be to the spot of their existence, and to the channel in which they have been accustomed to flow: but, my

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lords, meaning to give my assent to this Bill, I rise merely to state, and within the compass of a very few words, my reasons for doing so. It has been objected both within and without doors, and from the mouths of some not long since trained, at least not bred, in the school of such objections, that the powers intended to be vested in the governor-general, were absolute, were arbitrary, were despotic, were founded on a system of Tory principles, were destructive of the rights of the people, and subversive of the constitution of the country. Now, my lords, if this were so, I hope and trust your lordships would believe that I should be as anxious in my opposition, as I am now forward in my support. And yet, I will be free to say, that if these were even, in fact, the features of this Bill, and it was considered, by my opposition to it, that I was to adopt the other system that has been proposed for the government of India, and thereby to class myself among the number of its adherents, I would not hesitate a moment in my determination; but, of two evils, choosing the least, my opposition would as instantly be turned to support. For, my lords, what was the other system? A system certainly not founded on Tory principles, but on what was said to be the principles of Whiggism. On principles setting up not only a new power in the constitution, but a new form of government in the state. On principles of wresting the executive power out of the hands of Majesty, and placing its dispensations in the hands of his subjects; in the hands of a chosen few, of an oligargichal band; under the circumstances of Eastern patronage, converted into English influence, that soon, very soon, would have left the constitution neither King nor Bishops, Lords, Commons, nor People, but as the whole was to be made subservient to the ambitious views of the few. If this then be Whiggism, let me disclaim that odious appellation for myself. If it be Whiggism to have seven tyrants for the government of this country, and Toryism one, let me not be a Whig, but a Tory; for, my lords, is tyranny less or more tyrannical for being vested in the hands of many or of one? The question is an answer to itself; and therefore comparing these two Bills together, even under the description that has been given of the one now before your lordships, I should not hesitate, as I have said, in the choice that I was to make. But, my lords, when I consider how totally groundless the imputations that have been cast upon this Bill are, when I see (for those who run may read) that they are nothing more than the *tallios* of a *Fox* chace, and the cry of the pack to run down a minister, the approbation and sanction which I am led to give this Bill is, nor can be, but in proportion to the pleasure and satisfaction that I have in doing so.

The question that the Bill be committed, passed in the affirmative.

Debate in the Commons on the King's Message respecting the Civil List Debt.] March 29. Mr. Pitt presented the following Message from his Majesty:

"GEORGE *R.*

"It gives his Majesty great concern, that it has not been found possible to confine the necessary expenses of his civil government within the annual sum of 850,000*l.*, now applicable thereto. A farther debt has been necessarily incurred, an account of which he has ordered to be laid before the House.—His Majesty relies on the zeal and affection of his faithful Commons, that they will take the same into their early consideration, and make such provision as the circumstances may appear to them to require."

April 5. The House having resolved itself into a Committee of Supply, to which the said Message was referred,

Mr. *Pitt* said, that no measure could possibly be more painful to his feelings, than that of proposing any new expense in addition to those under which the public already laboured. It was also an object of the deepest concern to his Majesty, once more to recur to the liberality of Parliament for the means of relieving his civil list from the incumbrances with which it was embarrassed. Before he made his motion on the subject of the Message just read, he would state such circumstances as, he believed, would fully reconcile the House to the propriety of complying with the desire of his Majesty; and first, he could take upon him to declare, that there had been no endeavour omitted to reduce as much as possible the expenses of the civil government, and of his Majesty's household, within the sum of 850,000*l.* which was the amount of what at present was allowed for that establishment. When the last regulation took place with respect to the civil list, it was provided by Parliament,

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that out of the sum of 900,000*l.* per ann. for that service, an annual deduction of 50,000*l.* should be made for the purpose of paying off, by instalments of that amount, a debt of 550,000*l.* due on Exchequer-bills which had been issued for the payment of former debts. These once discharged, the whole of the 900,000*l.* was to be applied to the purposes of the civil list. From hence it followed, either that Parliament had ordained, that at a future period, the civil list was to be allowed a sum of 50,000*l.* more than was necessary, or that for the present, it was to be put on a footing of 50,000*l.* less than what was necessary. Experience had proved the latter to be the case; for the fact was, that it had been found perfectly impracticable to meet all the demands with 850,000*l.*, and in consequence, there had accrued a fresh debt of 30,000*l.* over and above what remained unpaid of the Exchequer-bills due upon it, which amounted to 180,000*l.*, making together 210,000*l.* He should therefore move, for a sum of that extent to be granted to defray all incumbrances, and so leave the full sum of 900,000*l.* annually for the civil list. He then moved, 1. "That 180,000*l.* be granted to his Majesty, for paying off and discharging the Exchequer-bills made out by virtue of the Acts of the 22nd and 23rd of his present Majesty. 2. That 30,000*l.* be granted to his Majesty, to discharge the arrears and debts due and owing upon the civil list, upon the 5th of January, 1786."

Mr. *Drake* expressed his concern at finding occasion to say one word like an objection to the present motion: no man felt more for the sensations which must necessarily agitate the royal breast on being obliged to send such a message to that House: no man felt more loyalty to his Sovereign: no man loved him better than he did: the blameless tenor of his private life eminently distinguished him as a good, a moral, a virtuous, and religious prince, and intitled him to the affection of all his subjects, and to the most respectful attention of that House, whose duty it was to take care that nothing should be wanting, in their power to grant, for the increase of his ease, and the completion of his domestic happiness. But the pressing necessities of the times rendered economy indispensably necessary: all ranks must make it their first object; it was the duty of the Crown in particular to set the example; the poor people of England were necessitated to be economical. He had examined the account of the civil list debt, and had seen inserted in it some articles, which, upon the face of them, appeared rather extraordinary. He found an entry of 1,029*l.* for three quarters salary of the master of the hawks, and the very next article was only 15*l.* for the salary for the same period of time of a very useful officer of that House, the gentleman who usually sat in the place of the present chairman. The extravagant disproportion between these two entries, struck him so forcibly, that he thought it highly necessary the expenditure of the civil list should undergo a revision. Under this idea, he trusted that the Chancellor of the Exchequer would bring forward an inquiry directly tending to a discovery, whether it might not prove possible, in some degree, to lessen the expenses of the civil list.

Mr. *Pitt* said, that he concurred in opinion that the expenses of the civil list, and its excess beyond the limits appointed by Parliament, ought always to be regarded with the greatest jealousy. As to the two articles which the hon. gentleman had contrasted, he assured him, that the office of keeper of the hawks was not retained either from necessity, or from views of state and magnificence, but because it was a patent employment, granted so long ago as the reign of king Charles 2, and hereditary in the family of the duke of St. Alban's.

Mr. *W. Stanhope* begged leave to remind the House, that when lord John Cavendish had come down in 1782, and called upon that House to vote 300,000*l.* (the debt at that time incurred on account of his Majesty's civil list) he had been on the eve of pledging himself, that no application should again be made to Parliament on the same subject; when he advised the noble lord, by no means to commit himself in that manner; suggesting to him at the same time, the probability of occasions ensuing which would make it impossible for him not to be obliged to come down with additional claims: the noble lord in consequence followed his advice, and did not so commit himself. The Prince of Wales had 50,000*l.* a year out of the civil list; as he was unmarried, he thought that establishment sufficient, and hoped there would be no claim for debts on that account, though the prince was building him a finer house, he feared, than he could well afford, with his present

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income; but, however, he should have no objection to hear of his royal highness's selling some Cornish manors, and building one good house in London with the produce.

Mr. *Powys* confessed himself aware of the indelicacy, if not disrespect, of seeming to object against the motion; but he could not help lamenting the necessity which occasioned such a message, and that chiefly on account of the bad precedent which such messages established: besides, it was the undoubted duty of every member to watch claims like the present, and be satisfied that they were founded in actual necessity. Before, therefore, he should give his consent to the motion, he expected to hear the right hon. gentleman pledge himself that he had done his utmost to prevent unnecessary expenses. Was he to believe, that no ambassadors had been appointed to foreign courts, and maintained on high salaries, while they were in fact perfectly inefficient, and had not even once, for years together, reached the court to which they were appointed ambassadors? Another circumstance required explanation: a right hon. gentleman (Mr. Eden) had been lately fixed upon to settle a commercial treaty with France; the right hon. gentleman in question certainly was as well qualified for such a task as any man in the country, and so far he must admit, that a better choice could not have been made; but there was a noble duke, who was before and still continued ambassador to the Court of Versailles. He had ever understood, that commercial as well as political matters, in general, were under the care of the ambassador; and if the noble persons sent out on that high station, either had not leisure, or were not competent to enter into the detail of commercial concerns and manage negociations of that nature, care was taken to let them have a secretary, or some person about them, who was, and not to put the country to the expense of two ambassadors: he hoped therefore, the committee would hear what the amount of the new appointment was. With regard to the future also, he trusted that the right hon. gentleman would pledge himself that no farther debt should be incurred.

Mr. *Pitt* said, that the hon. gentleman who spoke last, acted laudably in watching the civil list expenditure; it was a fit object of parliamentary jealousy, and he hoped that the House ever would look it most carefully. As to his pledging to himself that there had been no wanton waste of the civil list, it was a thing which he could very safely do, because every degree of economy was used, as well in that as in every other department. With respect to the two particular instances which the hon. gentleman had mentioned, he could fully answer all the objections on those heads. And first, as to the appointment of the earl of Chesterfield, which he supposed was what the hon. gentleman had in view, to the office of ambassador to the Court of Madrid, the circumstances attending that appointment were such as, he flattered himself, fully justified the measure. At the time of the noble earl's nomination, it was fully supposed that an ambassador would be sent from Spain; nor was there any room to suspect otherwise until after his departure. When it was found that an ambassador had not been sent from Madrid, the noble earl was stopped from proceeding any farther; but as there was still great reason to believe, that it was only a temporary delay on the part of the Spanish Court, and that an appointment would speedily be made, it was thought improper to recall him. At length, as soon as it was found to be the resolution of the king of Spain, not to send an ambassador at all, the noble earl was finally recalled. With respect to the appointment of Mr. Eden as envoy extraordinary to the Court of France, for the purpose of settling the commercial treaty, he must observe, that there were many precedents of the appointment of two ambassadors to the same court; and surely on the present occasion, there was as great a necessity for a second appointment as there could be on any other, when it was considered, that the person appointed was universally acknowledged to be the most proper person in the kingdom. It was by no means derogatory to the merit of the duke of Dorset to say, that from the infinite detail into which the discussion of the commercial treaty must necessarily go, and the great knowledge of the minutiæ of trade which it must require, it was not a subject which persons of his grace's high rank and situation in life had such means of being acquainted with, as those whose habits and studies had been assiduously directed to such objects. Nor could the nature of the right hon. gentleman's appointment be found fault with, for his rank as a privy counsellor rendered it impossible, with propriety, to send him in a

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subordinate capacity. There was a farther pledge demanded from him by the hon. gentleman, which he must excuse him if he declined making in the extent required. To take upon himself to give a pledge, that the expenses of the civil list should never exceed the limits at present set to it by Parliament, would be more than he should think justifiable: all that he could say was, that on the articles stated in the returns upon the table, there should be no future exceedings; but it was possible, that there might arise a necessity, at some future time, of making demands to satisfy extraordinary expenses which could not be foreseen; but if ever he should come forward with such demands, he should take care that they should prove of a nature which no gentleman could find fault with. Such instances might occur in the arrangements for different branches of the Royal family: not that he knew of any likely to take place; but as they possibly might, and that perhaps to the joy and advantage of the country, he could not venture to tie himself up by a promise, that they never would. As to the state of the civil list in general, he thought it sufficient to say, that should the present resolution be complied with, the expenses ought to be bounded within the sum granted for the purpose of defraying them.

Mr. *Powys* desired to know if he was to understand that the right hon. gentleman had pledged himself to the House, that no farther debt should be incurred, at least during the time he held his present office; but that the ordinary expenses of the civil list should be confined within the 900,000*l.* a year?

Mr. *Pitt* answered, that when he spoke of accidental demands which might be made for the deficiencies of the civil list, he did not wholly confine himself to such extraordinary calls as might arise for the several branches of the Royal family; for there were others in which the Royal family were not at all concerned, that might possibly come, and with which it would be indispensably necessary to comply. To make this the more intelligible, he would state an instance; not one which he had any apprehension would take place, but being possible, it shewed how highly improper it would prove for any minister to commit himself, as he had been called upon to do—this was in the article of foreign secret service money; under which head, if even a very great demand should hereafter be made, there could be no argument against the granting it, from any consideration of the ample provision already allowed to the civil list.

Mr. Alderman *Newnham* trusted that the right hon. gentleman did not mean to say, that if it should be found that the income of the Prince of Wales was too small for his royal highness to live upon, in a manner becoming his high rank and station, that no application should hereafter be made to that House to vote an increase of it.

Mr. *Pitt* answered, that the question before the House solely related to the subject matter of his Majesty's message, and no reference whatsoever to any other object.

Mr. *Sheridan* begged leave to remind the right hon. gentleman, that he had misunderstood him on a former day, when he had talked of the right hon. gentleman's having pledged himself that there should be no future debt accrue from the civil list. He then drew an inference from what the right hon. gentleman had that day said, that if the Prince of Wales should find his income too small, and application should be made to that House, that the right hon. gentleman was of opinion it ought to be increased, and any debts which his royal highness might have incurred, paid.

Mr. *Pitt* again repeated, that having had no instructions on the subject of his royal highness's establishment, he could not take upon him to speak officially, nor should he be so presumptuous as to express any private opinion whatsoever concerning it.

Mr. *Sheridan* declared, that he should still understand, that if any debts incurred by his royal highness were to be, in future, stated by the right hon. gentleman, whether by message from the Crown, or by any other proper authority, they were to be considered as extraordinaries of the civil list, and not within the right hon. gentleman's present pledge. Mr. Burke's Bill for regulating the civil list, expressly said, that no debt should be incurred upon it in future. It was absurd to come down in the face of an act of parliament, and call upon the House to vote money for debts of the Crown. The right hon. gentleman ought either to bring in a bill to explain and amend, or ask for no more money on the civil list account. He shrewdly suspected that as 30,000*l.* was the precise debt now asked for, that the

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expense of keeping the earl of Chesterfield for two years nominal ambassador to the Court of Madrid, and the expense of sending out Mr. Eden to negociate the treaty of commerce, occasioned that debt: and what led him to form this conjecture was, because the sums squared so well together, the expense on the noble earl's account being 25,000*l.*; and the other 5,000*l.* He gave the right hon. gentleman (Mr. Eden) credit for possessing great knowledge of the subject, and being exceedingly fit to negociate the treaty; but it nevertheless behoved the right hon. gentleman to be able to assure the House, that so large a sum of the public money would not be wasted, but that he had good reason to believe the treaty would be made, and the object of his mission would be answered.

The Resolutions were agreed to.

April 6. The said Resolutions were reported to the House, and read a first time. On the question being put, that they be read a second time,

Mr. *Fox* remarked, that although he did not entertain the most distant idea of discountenancing any grant in favour of Majesty, he could not forbear to express his astonishment at finding a demand of that kind made by the Crown after the promise contained in the speech from the throne, at the beginning of the session of 1782, that there should in future be no exceeding in that department; the words of which promise were as explicit as words could possibly be, and ran thus: "I have carried into execution the several reductions of my civil list expenses, directed by an act of the last session. I have introduced a farther reform into other departments, and suppressed several sinecure places in them. I have by this means so regulated my establishments, that my expense shall not in future exceed my income." These words were a part of the speech at the opening of the first session after the earl of Shelburne was first lord of the Treasury, and the right hon. gentleman opposite to him Chancellor of the Exchequer; and it was evident from the subject of the motion then before the House, that the promise contained in them had not been performed; so that either his Majesty's ministers had advised him to make a promise to Parliament which it was impossible for him to keep; or they had advised him to break a promise which he might have adhered to; either of which actions were highly criminal.—He said he could not avoid touching on a subject which he understood had been mentioned the day before—the establishment of his royal highness the Prince of Wales; and he professed that it was not so much from motives of gratitude for the confidence and condescension with which his Royal Highness honoured him, nor from the affection which he bore him for his many amiable qualities, but because he really thought it highly necessary for the honour of the Crown and advantage of the nation, that the heir apparent should be enabled to live in splendour and in ease: and there could be no friend to the monarchical part of our constitution, who did not wish to make a full provision for supporting the dignity of a person so nearly connected with the monarchy. In the reign of George 1, although the civil list at that time was only 700,000*l.* a year, 100,000*l.* of it was allowed to the prince of Wales, afterwards George 2; and yet, now that the civil list was so considerably increased as to amount to 900,000*l.* a year, besides an additional aid of 50,000*l.* in amount at least, arising from the salaries of the offices suppressed by Mr. Burke's Bill falling in, the income of the prince of Wales was only 50,000*l.* If his Majesty could not make 850,000*l.* cover his expenses, how could it be expected that the Prince of Wales could live upon 50,000*l.*? His Royal Highness's household establishment was more expensive, compared with his contracted income, than that of his Majesty, compared with the large amount of the civil list, and the other sums which came in aid of it; 50,000 was, he confessed, equal to the establishment first granted to Frederick prince of Wales; but that prince's establishment was known to be extremely inadequate, and was therefore afterwards increased; and, besides, the expense of living had risen considerably since that time. He knew no proper method of bringing the business before the House, except by message from the Crown, and he earnestly hoped ministers would advise his Majesty accordingly. If they did not, he should himself venture to introduce the business previous to the rising of parliament.

Mr. *Gilbert* said, that he had been appealed to the day before by the Chancellor of the Exchequer, at a time when, from his situation, he could not offer his sentiments to the House with propriety.

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He then stated that at the request of the earl of Shelburne and the present Chancellor of the Exchequer, when he had formerly held the same employment as he did then, he had examined the state of the civil list, and in consequence of his report upon it, a great number of salaries had been diminished, and many sinecure places entirely abolished.

The Resolutions were agreed to by the House.

Debate in the Lords on the King's Message respecting the Civil List Debts.] April 5. The King's Message having been read,

Lord *Sydney* said, that as it was for the honour and credit of the nation, to prevent his Majesty's civil list from falling into arrear, it was therefore scarcely needful to enlarge upon the subject; he should therefore immediately move, "That an humble Address be presented to his Majesty, to return his Majesty the thanks of this House for his most gracious Message, and to assure his Majesty of the dutiful and affectionate attachment of this House to his Majesty's person and government; and firmly relying on his constant attention to the ease and welfare of his faithful people, that this House will readily concur in enabling his Majesty to provide such means as shall be thought proper to remove the difficulties occasioned by this debt contracted in his civil government."

Viscount *Stormont* said, he had always considered any embarrassment upon the civil list as a national disgrace and misfortune; but before he gave his vote upon this motion, he wished the clerk might read that part of his Majesty's speech from the throne the 5th of December, 1782, which related to the civil list. The clerk then read—"I have carried into strict execution the several reductions in my civil list expenses, directed by an Act of the last session: I have introduced a farther reform into other departments, and suppressed several sinecure places in them. I have by this means so regulated my establishments, that my expense shall not in future exceed my income." He did not mean to oppose this part of his Majesty's speech to the motion before the House; but he expected after so full and explicit an assurance from his Majesty, and that, too, at a time when the noble Lord who made the motion enjoyed a very distinguished situation in Administration, that the noble Lord would have stated some specific reason why the civil list had been suffered to run in arrear. This, he apprehended, was a duty which the noble Lord owed to the House and his country. He was the more particular in his request, because, since passing the Bill in 1782, by virtue and authority of which the reform of the civil list had taken place, no less a sum than 10,000*l.* annually had fallen into that revenue by the death of pensioners, &c. His lordship then reverted to the calculation of the civil list expenditure, which had been made at the time the Bill passed, and which was then said, under the reform, to leave an annual saving of 10,000*l.* per annum. He had canvassed that calculation, in conjunction with several of his noble friends in the succeeding Administration, and upon the nicest scrutiny, he discerned about the annual sum of 250*l.* He apprehended that it would be easy to account for this wide difference in the conclusion drawn from the estimate alluded to. In the first place, the embassy to Holland was totally annulled; this was at least 3,000*l.* per ann. In the next instance, the article of presents to foreign ministers was averaged at only 500*l.* per year, which he was assured was considerably less than the real expense. When he had, on the first appearance of the calculations, discovered such a want of correctness, he naturally concluded, that similar errors pervaded the whole system. He wished that the civil list should not be limited to the paltry narrow excess of 250*l.* annually; it was an idea utterly unworthy of a great and free people: the branches of the Royal family ought most certainly to be supported with becoming splendour and magnificence. The expenses of the embassies abroad ought not, in his opinion, to be regulated with parsimonious economy; it was inconsistent with the dignity of a crowned head, to limit its representatives to 5*l.* a day. He supposed this to proceed from an opinion that embassies should be undertaken only by men whose fortune rendered the expense by no means an object of consideration. This was a doctrine to which he could by no means accede: there were many instances in the history of our country which clearly evinced, that men of the largest fortunes were not always the best suited to fill great and arduous public situations. The poverty of Walsingham, in the glorious reign of Elizabeth, was proverbial; sir William Temple was by no means rich; most of the noble lords must

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have seen his letters which were written whilst ambassador at the Hague, complaining of the narrowness of his finances, and his repeated embarrassments on that account: sir Benjamin Keen was another instance. He was confident that the House would, notwithstanding, bear ample testimony to the great merit of those gentlemen, and the obligations which the people of England owed to their memory. Surely the Crown, then, should possess the ability of giving liberal and princely rewards to such distinguished and deserving characters. This head of expenditure formed what the technical phrase termed extraordinaries.

Lord *Sydney* answered, that his sentiments perfectly coincided with those of the noble Viscount, respecting a due provision for the branches of the Royal family and the ambassadors. The same observation had been frequently made by a noble lord (Grantham) now unhappily no more. He would beg leave to add to the case of sir Benjamin Keen and others, another distinguished person, to whom, indeed, he was personally attached, he meant Mr. Poyntz; who, although he represented his Majesty in three foreign Courts, yet left his family by no means in affluent circumstances. His lordship acknowledged that he was one of his Majesty's servants, who, at the time alluded to, entertained sanguine hopes, that the civil list would not have exceeded the sum allotted: but he must at the same time acknowledge, that his hopes were not well founded. He trusted that he should not be called upon, in the present instance, for his specific reasons; and he confided in the candour of the noble Viscount, that he would not expect it.

The Marquis of *Lansdowne* expressed his earnest wishes that the keen observation of the noble Viscount had penetrated still farther into the estimate of the civil list expenditure, because, in that case, he would not have found it so enormous as he seemed to consider it. The omission of the embassy to the Hague, he readily acknowledged; but the average of the presents to foreign ministers was not so very deficient as it was described. This he instanced in the case of the late peace; a cheaper peace, he would undertake to say, this country never experienced. The Marquis here paid a very high compliment to the merits of Mr. Fitzherbert, the late Mr. Oswald, and Mr. Gilbert. Mr. Oswald, he said, was with great difficulty prevailed upon to accept his extraordinary expenses; and to Mr. Gilbert, in a great measure, the whole merit of that transaction was to be ascribed. With respect to the Bill under which the reform of the civil list was carried into execution, the Marquis declared that he had the full and entire opinion of the whole Cabinet; though, with respect to the peace, he was not quite so fortunate, two of the members having differed with him in opinion. His administration continued only six months, during which time he made a saving, by striking off various sinecure offices and useless places, of the annual sum of 116,000*l.* This induced him to advise his Sovereign to inform his faithful subjects in the speech alluded to, that his expenses should not exceed his income. He would, upon the same occasion, and in the train of retrenchments then progressively advancing, again and again advise his Majesty to use the same language. This was his opinion then, and it continued the same still; and, in the fashionable phrase, he ought never to shew his face in that House, if he did not support his opinion. At this period the expenses of the peace had been paid. Situated as he was, and plainly foreseeing that he should not long preside at the helm, he thought the last and best earnest he could give his country, of his wish to further its welfare, was to tie down its civil list expenditure within certain bounds; and, as he then flattered himself, to put it totally out of the power of any minister again to make any fresh demand on the country. With respect to the methods which he had figured to himself of extricating the civil list from its incumbrances, they were so clearly and intelligently laid down by the commissioners of accounts, in the 14th Report, that Parliament had nothing to do but to follow the directions in that paper, which was drawn up without the least view to any party measure, and the business would be effected. But the great obstacle in the way of every species of reform in any department, was the exaction of fees. It was fees which encroached upon the civil list. Fees at the Admiralty prevented our navy from being manned. Fees in the department of the King's forests, notwithstanding the mighty projects that had been talked about, would not, in less than a century, leave timber sufficient to supply our navy. In fact, in every department the fees absorbed and swallowed up almost every other consideration. The Marquis

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next turned his attention to the farther means by which he had intended to keep the civil list free from incumbrances. First, there was a sum of thirty odd thousand pounds due to his Majesty from one of the West India islands for duties, which was not recoverable. This sum, he always conceived, ought to be made good by the House of Commons. It was true, that more could come from the same source to the public purse; but then as it was a debt due to the Crown, the principle which he wished to support would be preserved. Besides this, there were several houses which cost his Majesty a considerable sum of money to support, without the least utility as to convenience or grandeur. Those establishments he intended to abolish. Upon the whole, he was still of opinion that the estimate made when he presided at the Treasury, was maintainable; and that an excess of at least 8,000*l.* per annum would remain to be exercised in works of bounty or munificence, in any manner his Majesty should think proper to bestow it. The Marquis begged that those circumstances, which were so necessary for his justification, might not be forgotten in the future discussion of the business; and he trusted them to the honour of the noble Viscount, as he was speedily going to leave town, and most likely should not be present at any debate which might take place. Their lordships would, however, do him but the common justice to suppose, that he did not entertain the most distant idea of resisting the present application, convinced as he was that the honour and celebrity of the nation must, in some measure, rest upon the basis of an ample and consistent civil list.

The Duke of *Manchester* felt it impossible to refrain from taking the liberty to remind the noble marquis, that "expenses of the peace being paid," was an allusion he could not bear. He had the honour of being ambassador at the Court of France, when the peace was negociated. Did the noble marquis wish to convey an idea so derogatory to his honour, as to suppose, that he was the base instrument of corruption upon that occasion? It was true, that there was a present of the King's picture to one of the French ministers, the expense of which was about 1,200*l.* This expense he had signified to Administration, as a customary present. There were likewise an article of china and plate, which were customary to be presented to the ambassador's lady: and these the ambassadress had generously refused. With respect to the address, he certainly should support it. He wished to put the civil list upon such a permanent footing as might prevent future application.

The Marquis of *Lansdowne* disclaimed even the most distant intention of casting such an unmerited reflection upon the noble duke. On the contrary, he declared that through his activity and zeal for his country's service, during the whole of the negociation, this kingdom had received very extensive benefits.

The Duke of *Portland* contended, that upon the most minute investigation of the estimate of the expenditure of the civil list, produced during the administration of the noble marquis, there appeared an excess of only 247,000*l.* There certainly were considerable errors and omissions in that calculation; and when those were taken into the account, the balance was no more than he had stated. As to the proposed enlargement of the civil list, it certainly should have his utmost support; at the same time, he desired that a due attention might be paid to the enormous burthens under which the people laboured.

The Marquis of *Lansdowne* remarked that there were other resources in aid of the civil list, which delicacy forbad him to make public. It was under a full impression of the weight of taxes with which the nation was burthened, that he strove to exert his utmost abilities to effect a reform. It certainly became a nation that was all but in a bankrupt state, to exercise economy in the utmost degree.

Earl *Fitzwilliam* contended that the omissions were such as ought not to have escaped those whose business it was to state the accounts; and in fact the paper on their lordships table was so obscure, that he could not make it out; nor was he too bold in saying that he would defy any person either in or out of the House to explain it.

The Address was then agreed to.

Debate in the Commons on the Bill for the Reduction of the National Debt.] April 6. On the motion for the second reading of the Bill for the establishment of a fund to be inalienably applied to the paying off the national debt,

Mr. *Hussey* remarked, that no man was more heartily a well-wisher to the appropriating a part of the sinking fund invariably to the diminution of the national debt than he was; but he feared it would

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not be practicable immediately. He proceeded to assign his reasons for entertaining those scruples on this point, and founded a variety of arguments on the statements of the different heads of public expenditure, contained in the Report of the committee to whom the several papers relative to the public income and expenditure had been referred: he mentioned the navy, the army, and another head of the expenditure, which had been voted this year, as amounting to infinitely more than appeared in the table of expenditure to be found in the Report opposed to the receipt of the present year, and reasoned on the essential difference which they made upon the whole. He had felt great satisfaction the other day when the right hon. gentleman took notice of this, and had said, that though there might upon the four years be an excess on the expenditure equal to three millions, yet he had no doubt of money coming into his hands sufficiently early to answer that demand. But upon recollection that money might not fall in, and in that case there would not be any surplus this year. He entered fully into the supposed sources of additional receipt, enumerating the East India Company's debt, the unclaimed dividends at the Bank, and the sale of forest lands. The second, he observed, could not be applied to the public service without a security to the public creditor, that the money should be forthcoming when properly called for; nor ought it to be touched without a diligent search after the owner of the dividend. He examined the proposed mode of paying off the debt, and pointed out the inconveniencies to which it was liable from the quantity of Exchequer-bills which were at this time unfunded; declaring, that if great care was not taken, the result would be, that the public would buy dear and sell cheap by their traffic in the funds; an operation which would go a great way towards defeating the purpose of the plan. He repeated, that he was a thorough friend to the idea of applying a portion of the sinking fund to the diminution of the debt, but had his doubts how far it was possible to begin to carry the plan into effect this year.

Sir *Grey Cooper* said, that as he had declared in a former debate, that he approved of the principle of the Bill, to establish an efficient sinking fund for the reduction of the public debt, it might seem somewhat inconsistent with such a declaration, that he should give his opinion against this Bill being read a second time; but the ground of this opinion was, that we were not now in a state of preparation to begin our operations upon this great plan. He stated, that the Report, which was the basis of the Bill, ought to be considered as an account solemnly rendered to the representatives of the people, of the real income of the nation, and of the expenditure necessary for its defence and security; and it was of the highest importance, both with respect to its present object, and to its effects and consequences, that such a statement should be as accurate, and as free from errors, as the nature of such accounts would admit. He did not mean to suggest, that the committee had intended to deceive the House, but they might possibly have misled them; he did not accuse them of fallacy, but he thought he might of error. He then stated what he conceived to be an error of some importance: in the two accounts of the net produce of the taxes, credit was taken in what, if assumed as an average of the probable future produce of the revenue, was a receipt of the sum of 82,000*l.* in one account, and of 41,000*l.* in the other, under the article tea, 1785. This duty was repealed at Michaelmas, 1784, and in the estimate of the future produce of the revenue, the whole amount of the tax on inhabited houses, and the whole of the remaining 12½ per cent. on tea was taken into account in the Report, and they surely were not entitled to take the whole substitution for the old tea duty, and any part of the old duty besides; it ought to be deducted as an arrear, as the arrear of the duties of customs paid by the East India Company had been deducted: it could not make any part of an average account, as it could not, he conceived, ever arise in future. He objected to a remark made by the committee, that although the account to Michaelmas 1785, included 53 weekly payments, and only 52 weeks were included in the account ending the 5th of January 1786, the difference was in favour of the revenue in the latter period. This he flatly denied; and said, that if by the revenue was meant the mere account of the aggregate receipt of all the taxes to the 5th Jan. 1786, it might be so; but if any gentleman would compare with attention the two accounts, he would find, that the account to the latter period had

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profited of near 400,000*l.* arising from the new duties of 1784 and 1785; and the excess of the produce of the taxes in the period above the former, was not more than 178,000*l.* He conceived, that the amount of the clearest produce of the annual land and malt taxes was computed too high by more than 50,000*l.* per annum. The malt tax of 1784, the deficiency of which was now to be stated, did not amount to more than 582,000*l.* instead of 750,000*l.* for which it was taken. But his main objection to the Bill was on the same ground as had been taken by the hon. member who spoke last, whose judgement in these matters he had always found to have great weight, namely, the enormous quantity of Exchequer-bills to be charged on the aids of the next session. He must repeat his apprehensions that they were a dangerous public incumbrance, and which, if it should be our misfortune to be obliged to defend ourselves, (which heaven avert!) would cast our affairs into great embarrassment. Even the fitting-out of a fleet of observation would throw us into agitation: the Minister then would be under the necessity of huddling this unfunded debt out of circulation on very disadvantageous terms. It would be a much better plan for him, in his opinion, to fund four millions of the 5½ due to the Bank, before he began his present great plan.

Mr. *W. W. Grenville* remarked, that although the committee scorned to entertain the slightest intention of deceiving, yet they could not venture to assert, that in a matter so complicated in its nature, and comprehending such a variety of figures, they had produced a report, in which some casual errors might not have escaped them; but it was with very great satisfaction that he could assure the hon. baronet, that what had been supposed to be mistakes and errors were correct. He then entered into an investigation of that part of sir Grey's speech, in which he had stated, that credit had been taken under the head of old duty in tea, for an arrear of the old tea duty, and that it ought not to have been taken into the account as part of an average, because, as an arrear of a duty now repealed, it could never again happen. This was an error in the hon. baronet, which it was very natural for him to have fallen into from the words of the entry; but it was not an arrear, it was a farther sum on account of the new duty, paid in since the other account, the net produce, had been paid in.

Mr. *Steele* contended against the idea, that a great number of Exchequer-bills were now at market, and said, that so far from this being the case, there were very few. The prognosticated inconvenience to arise from so great a circulation was wholly groundless: as to the unclaimed dividends now lying in the Bank, he saw nothing improper in applying 4 or 500,000*l.* to the public service.

Sir *Grey Cooper* answered, that what he had stated respecting the number of Exchequer-bills being supposed to be in the market, had been entirely misunderstood; for he knew well, that in time of peace, and particularly this year, when there was so much money in the Exchequer, there were no Exchequer-bills at market or in circulation, except what the Treasury circulated for the advantage of public credit; but what he had said was, that there was the greatest danger in continuing such an extraordinary quantity of this unfunded debt, which was an anticipation of almost all the relief and assistance which the Bank could afford to give Government if any trouble should arise from abroad. In 1763, the amount of Exchequer-bills did not exceed 1,800,000*l.*, but in 1764 they were all in the market, and at a discount that disturbed public credit. Lord North, who was minister in 1773, reduced them to 1,000,000*l.*; he suspended the payment of the funded debt for that operation, which, at that time, all the officers of the revenue, of knowledge and experience, thought was the most advisable application of the surplus of the year, particularly as in that year 1,400,000*l.* was to be advanced by the Bank for the relief of the East India Company. If any advance was to be made this year for the same purpose, the perplexity from this rash undertaking would be increased; but the right hon. gentleman was so much convinced of the rectitude of his plan, and his ardour to set out on this glorious expedition to the promised land was so great, that he had neglected the consideration whether or not he was prepared to undertake it.

Mr. *Ewer* trusted, that the public would not be led away by the supposition, that the hon. gentleman who spoke last but one, had any authority for declaring, that there were unclaimed dividends in the Bank to the amount of 4 or 500,000*l.* or any thing like it. It was highly necessary that the public should not deceive themselves by such an idea.

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Mr. *Fox* remarked, that his objections were not so weighty as to occasion him to wish that the Bill might never come to a second reading; they arose against the mode of creating the fund: the principle of it he highly approved, but it was commenced in error; for instead of there being even some surplus this year on a comparison of the receipt with the expenditure, there was none. What he approved in the plan was, that it would oblige the minister, whoever he should be, whenever he made a new loan, to take especial care to provide a fund to answer it. Instead, however, of applying an imaginary surplus to the purpose of instituting a fund, he would have advised the creating a million or more by additional burthens; the fund would then have rested on solid grounds, which at present it did not do. He would have advised also, taking individual subscriptions, as a better means of paying the debt; as it was proposed, he greatly feared, that the public would buy dearer and sell cheaper, than any other buyers and sellers in the markets. Another objection he had to the plan was, the tying up the money even during a time of war; but that was an objection upon which he had more doubt than upon his former one. Mr. Fox entered into the discussion of the suggested idea, of applying the unclaimed dividends at the Bank to the public service, and said, that the utmost advantage which could be made of that project, would be, the public would have the benefit of the interest of the money, for the principal of the dividends they could not assume and alienate, as the public would indisputably be bound to make the principal good as soon as ever it was claimed. He had not made up his mind sufficiently to deliver himself fully; but though he could not be prepared by the ensuing Monday, he hoped he should be able to have made up his mind against Wednesday, when his hon. friend's motions on the state of the revenue would, he doubted not, afford him an opportunity of saying all that he might wish to say on the subject.

Mr. *Pitt* remarked, that he should not for the present think it incumbent on him to enter into the examination of the unfounded assertions which the right hon. gentleman had thought proper to make: there could not possibly be a stronger demonstration of any one fact whatsoever than he had given, that a very considerable surplus did at the present moment exist; and as the right hon. gentleman had not varied, he should not say his arguments (for arguments he had used none), but his words and language, he flattered himself that they would make no greater impression on the House than they had appeared to do on a former occasion. He was happy to perceive, that although the gentlemen opposite had avowed so long ago as Monday fortnight, that they were ready to come forward and to controvert the result of the report of the committee, yet they had been obliged, finding the more they examined it, that it was the more founded in strict truth and sound reasoning, to defer their attack, and had even now been obliged to adjourn it to a future day. When that day came he should be willing to meet them; and he pledged himself that he should be able, from irrefragable facts, to overturn every assertion, and every attempt at argument which could possibly be made to combat his statement. He hoped that they meant, when they entered upon a subject of such importance, and so highly necessary to the public interest to be well understood, to meet the documents on the other side fairly; and that, in opposition to the numerical statements contained in the reports, they would produce figures in support of their objections. He remarked how little qualified these gentlemen could be to judge on the subject, when one of them, the day before, had asserted, that the 210,000*l.* granted to the civil list, was to be deducted from the surplus of the present year, although it was in the recollection of the House, that in stating the articles of the supply, he had included that very item, and yet had shewn, on enumerating the ways and means, that a surplus more than sufficient for the purposes of the sinking-fund, would remain after satisfying the whole of the surplus.

Mr. *Sheridan* denied that he had asserted, that the 210,000*l.* had been wholly omitted by him in his statement of the annual expenditure; he had indeed not recollected whether he had taken notice of it or not: he should reserve what he had to say till another stage of the Bill; only observing, that if the public believed there was the surplus pretended, the impression would have had its natural effect, and occasion a considerable rise in the funds.

Mr. *W. W. Grenville* charged Mr. Sheridan with being forward to assert that there was no surplus, and now he wanted to put off the proof of his assertion to a

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fortnight's distance. With regard to the rise of the funds, it had long been known, that there was a considerable surplus; and the effect alluded to, viz. a rise of the funds, had taken place long before the business was formally opened to the House.

Mr. *Dempster* grounded his fears of the success of the plan upon the peace establishment, as it was stated it would be in the year 1790, being considerably higher than it ought to be in many respects, particularly the navy, the army, and the ordnance; it behoved the House to turn their eyes back to the ancient peace establishments in 1755, and they would see, that this country remained in a state of perfect security at peace, and perfect readiness for war, with establishments far short of those proposed for the year 1790.

The Bill was then read a second time.

Debate in the Commons on the Scotch Judges Salaries Bill.] April 10. The order of the day having been read, for the House to resolve itself into a committee of the whole House, to consider of a proper augmentation of the salaries of the judges of the courts of Session and Justiciary, and barons of the court of Exchequer in Scotland; and also of a proper salary for the judge of the court of Admiralty in Scotland, and of the judges of the Commissary court of Edinburgh,

Mr. *Dundas* expressed his belief, that when he should have shortly stated what the grounds were on which the resolutions rested, which his learned friend behind him meant to move, there could not be any objections against them. He recapitulated the alterations which had been made from time to time in the salaries of the judges of England, tracing them from the alteration in 1758; and shewed, that the salaries of the Scotch judges not only bore no sort of proportion to those of the judges of England, but that although the same principles applied to the salaries both of one and the other, an alteration had neither taken place as often, nor equally in respect to the judges of Scotland. He reminded the House that the application for the increase of the salary of the Scotch judges last session, had proceeded on the idea of reducing the number of the judges, but that so great a prejudice had gone forth in Scotland against that proposition, that the design had been necessarily abandoned. The present application was entirely upon a different footing; by the 10th of queen Anne, it was stipulated, that the receipt of the customs and excise in Scotland, should bear the expense of the salaries of the Scotch judges, and of all future increase of those salaries. It was now proposed therefore, to make a gradual and proportionate increase of the salaries of the Scotch judges, from the Chief Baron and the Lord President down to the Lords of Justiciary, and to charge the total amount upon the customs and excise; but in order to make good the deficiency thereby occasioned, to follow the example of this country, and lay a stamp duty on the several writs and documents used in law proceedings, which should be adequate in produce to the whole amount of the said deficiency: and therefore, as it was intended that the Scotch judges should receive their salaries in future without reduction of any kind whatever, he should now move, that the stock arising from fees and perquisites, and called the Court stock, should be paid into the Exchequer of Scotland for the use of Government, and he would make his motion as soon as those of his learned friend were disposed of.

The *Lord Advocate* stated the present amount of the salaries of the Scotch judges, and the real sums received by each; shewing that they bore no proportion to the income of the English judges; or to the dignity of their station, the service done to their country, and the time employed in that service by the judges of Scotland. The intended increase was to be as follows: the Lord Chief Baron and Lord President, to have a net 2,000*l.* a year; the Lords of Session 1,000*l.*; the Lord Justice Clerk, 600*l.* and the Lords of Justiciary 300*l.*: and he moved resolutions accordingly.

Mr. *M. A. Taylor* objected to the proposed mode of paying the salaries; he should much better approve of their being paid as the salaries of the judges of England were. He differed from Mr. Dundas in his construction of the 10th of queen Anne, and stated in what respects his opinion varied as to the import and meaning of that Act. The proposition of the last year, to reduce the number of the Scotch judges, and by such means to increase the salaries of such as were to be continued, appeared to him to be founded in sound sense, and he could see no good reason why the prejudice of Scotland should have gone against it.

Sir *W. Cunyngham* begged leave to

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move an amendment to the resolutions. The salaries of the puisne English judges were 2,400*l.* a year; he therefore thought it reasonable, that the Chief Baron of the Exchequer of Scotland, and the Lord President of the Session, should receive as much; and that the Lords of the Session should receive at least half as much.

He would for that reason move to leave out 2,000*l.* and insert 2,400*l.*; and leave out 1,000*l.* and insert 1,200*l.*

Mr. *Gascoyne* said, that the English puisne judges, he believed, had nothing like a clear 2,400*l.* a year: their circuits were very expensive, and cost each of them 150*l.* or better each circuit.

Sir *W. Cunyngham* replied, that the Scotch judges had no perquisites, and the English judges, he had always understood, made very snug sums by their chamber practice on the evenings in term time. No person would surely contend, that a judge in Scotland could live there in a manner suitable to his rank and station, upon less than half the income allowed a puisne judge in England.

Sir *M. W. Ridley* ridiculed the idea of the place of treasurer of the navy being in future annexed to that of a lord of session, or rather to that of a chief baron, or lord president: were he chancellor of the Exchequer, he should have no objection to accede to the present proposal, provided the increased salaries of the Scotch judges were to be defrayed out of the duties on inhabited houses in Scotland, the amount of the produce of which for the last year had been returned *nil!*

Mr. *Dundas* answered, that so far from being displeased with that proposition, he was willing to close with the hon. baronet, and instead of desiring any farther increase than the motion, as it originally stood, stated, he would be glad to take it in that proportion, and to risk the receipt of it upon the produce of the duties on the inhabited houses in Scotland.

Mr *Pitt* said, that as he, for the present, unworthily filled that office, for which the hon. gentleman was so much better qualified, he must interpose, to prevent the bargain which appeared to be on foot between him and his right hon. friend. The fund to which the return *nil* had been made, notwithstanding its circuitous mode of payment, was a very productive fund, and one which he should be extremely unwilling to give up for that suggested for the proposed augmentation.

Sir W. Cunyngham withdrew his amendment, and the resolutions were agreed to.

Debate in the Commons on the Bill for the Encouragement of Shipping and Navigation.] April 11. The House went into a committee of the whole House, to take into consideration the laws respecting Shipping and Navigation.

Mr. *Jenkinson* remarked, that this subject had almost at every period of our history, from the first making of any thing like a law of navigation, been extremely popular in that House with the public at large. He meant first to trace the origin and relate the history of the several laws of trade and navigation which had from time to time passed; secondly, to state the operation of those laws upon the commerce of the country; then to compare the actual freightage of Great Britain before the last war, with its freightage since the present peace had been concluded; next, to point out the defects in the several laws of trade and navigation as they at this time stood; and lastly, to suggest what were the several alterations which he intended to insert in the Bill for which he should move, with a view to improve our navigation laws, to protect them from the various frauds now practised in abuse of them, and to secure to Great Britain the full enjoyment of her navigation trade in future.—In discharge of these divisions of his subject, Mr. Jenkinson proceeded to trace the history of the navigation laws; mentioning that the first took place at a very early period; that another was made as long ago as before the dispute between the Houses of York and Lancaster; that subsequent statutes passed in the reigns of more modern times, in Cromwell's protectorate, &c.; that additional securities were from time to time enacted; the aliens' duty, and the registering ships of certain descriptions in particular; and that in the reign of Charles 2, when that monarch was inclined to neglect the navigation laws, with a wish, as it was imagined, to favour certain individuals, that House took a decided part in support of those laws and of the national commerce. He read a paper on the subject, drawn up in Oliver Cromwell's time; he mentioned also the last acts which had passed, and having gone through the relation of the whole history of them, he stated the operation and effects of those wise and salutary laws, from time to time; shewing, that from one short period to

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another, the whole freightage of the country had doubled; that in another short period, it had doubled again; and that it was just preceding the beginning of the last war seven times as great as it had been about fifty years before. Mr. Jenkinson then went into a statement of the quantities of freightage of 1774, and the tonnage then employed under the various heads of foreign trade, trade with our West India islands, trade with America, coasting trade, &c., and compared each with the freightage and tonnage under the same heads in 1784; whence it appeared, that the increase was astonishing, and more especially with America, where, notwithstanding the Americans formerly shared in our navigation trade (whereas now they had no part of it), the increase was from 94,000 ton of freightage, to 110,000 ton. Mr. Jenkinson said, if proper means could be devised to secure the navigation trade to Great Britain, though we had lost a dominion, we might almost be said to have gained an empire.—The first and most effectual means undoubtedly were, to take care to preserve to ourselves the ship-building trade; and this could only be done by altering the laws in respect to the ships entitled to the name of British built. In order to explain the meaning of this, he detailed the various principles on which that title had formerly been given to vessels not strictly and entirely built in Great Britain or her colonies. Ships taken prize by privateers or letters of marque were registered as British ships; and ships built on foreign bottoms had in like manner been so considered. He illustrated this by stating, that it had been supposed that foreign ships might be wrecked on our coasts, and the bottoms being saved, and the upper part of the ships built upon them in our yards, they were then entitled to be considered as British-built ships. He stated also the nature of the ships registered, and pointed out the various frauds practised. As the laws stood at present, every ship was obliged to take out a register, in order to obtain her Mediterranean pass, and it frequently happened, that having made use of it, they sold it at sea to other ships by no means entitled to be registered. Thus sometimes a ship entering inwards, produced a register the date of which was much older than the ships that bore it, and this manifestly proved that a fraud was at bottom. Again, the registers frequently differed materially as to the tonnage of the ships for the protection of which they were exhibited; and, in short, a great variety of gross abuses were daily practised. He meant to check the frauds and abuses he had stated, and correct the defects in the navigation laws as they now stood. Among others, one was to enact, that in future, no ship should be deemed British built, that was not actually built in Great Britain or the British dominions; another was, that every ship should be registered at the port to which she belonged, and prize ships at the port into which they were first brought: he assigned as a reason for this last regulation, that every ship was most likely to be well known at the port she belonged to, and consequently there was the least power of fraud and abuse; a third regulation was, to oblige all ships, coasting vessels as well as others, as low as vessels with one deck, and of about fifteen tons burthen, to take out a register; a fourth was, a general revision and recall of the present registers, and the providing a new form of register, so drawn as to render the success of fraud more difficult and less likely than at present; but, as he meant that the other alterations should not affect ships already registered, other than obliging them to take out a new register, provision should be made, that a new register should be granted upon a very low-priced stamp, and at as small an expense as could possibly be done. Time should also be allowed for the recall of the registers now out; ships trading in Europe should be allowed one year; to our West India islands, a year and a half; to the East Indies, two years; after which period, all ships not bearing a register of the new form should not be deemed registered ships. And another regulation should be for raising and making the aliens duty more general, by extending it to the Americans, who certainly had no longer any right to an exemption from it. When the aliens duty of 1½ per cent. was first thought of, it was undoubtedly a good check against abuse, because then the duty paid by us was not above 5 per cent.; but now, when the duty had increased to 25 or 28 per cent. an alien's duty of 1½ per cent. opposed to a duty of 28 per cent. was no check whatsoever.—Having mentioned these and other regulations to enforce and preserve the navigation laws, he stated some relaxations which, in point of justice, it became necessary to provide; and these were, touching ships innocently at sea without registers, and

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which nevertheless were liable to seizure and condemnation upon their entering a British port. He explained in what manner these ships, innocent of any intention of fraud, had gone without registers, and said, that notwithstanding, if a custom-house officer were to seize any one of them, it was impossible, as the law stood at present, to prevent the condemnation of the ship. If she was a large and valuable ship, the place of the officer was not equal to the profit and advantage which would result to him from the condemnation of the seizure. After expressing his ardent satisfaction at the very flourishing state of our trade, and urging the policy of taking the most effectual method to encourage, protect, and preserve it to Great Britain, lamenting that France came the nearest to us in respect to the excellence of our ships, he moved, "That leave be given to bring in a bill for the farther increase and encouragement of our shipping and navigation."

Mr. Alderman *Watson* considered the matter introduced by the right hon. gentleman, as of the first magnitude and importance. The right hon. gentleman would be found to have entitled himself to the warmest thanks of the mercantile interests of the country. The measures which he proposed for the future encouragement and support of our navigation and trade were truly politic.

Mr. *Hussey* professed himself highly pleased at hearing that our navigation trade was in so prosperous a situation; but he could not reconcile the great increase stated by the right hon. gentleman to have been the quantum of our freightage in 1784, with a paper which he held in his hand, and which he obtained from an office of authority; by that paper it did not appear probable, that any thing like the quantity of shipping had been employed in 1784, which must have been employed to have carried the freightage stated by the right hon. gentleman.

Mr. *Jenkinson* answered, that the statements which he had made were correct, as he had examined them very closely. Whether the number of seamen had increased in proportion to the increase of freightage he could not say, because it was well known that ships of much larger tonnage had, of late years, been employed by our merchants than formerly; and it was generally admitted, that the smaller the vessel, the greater the proportionate number of hands necessary to navigate her.

The motion was agreed to. After which Mr. Pitt called the attention of the House to a subject nearly connected with the preceding. He stated, that frauds to a very considerable amount were practised, to the great detriment of the revenue, in consequence of the abuse of manifests, and the documents given to ships cleared out. He would therefore move, "That leave be given to bring in a Bill for regulating the production of manifests, &c."—Leave was given accordingly.

Debate in the Commons on the Laws respecting the Greenland Whale Fishery.] April 12. The House having resolved itself into a committee of the whole House, to take into consideration the Laws respecting the Greenland Whale Fishery,

Mr. *Jenkinson* lamented the impossibility of making, what in his opinion were indispensable, propositions to the House, without expressing his marked difference in opinion from both the commissioners of the customs and the merchants. The former, in their answer to the privy council, had recommended, that no farther bounties should be granted on the Greenland fishery; it appearing to them, that the trade was in so flourishing a condition, that it could go on without bounties; and the merchants, on the other hand, asserting in positive and direct terms, that unless the present high bounties of 40*s.* a ton were continued, the trade would be ruined and lost to the country. It was his lot to stand as an umpire between the two parties, and what he should recommend to the committee would be a middle proposition, which he was persuaded, would neither injure the fishery, nor take away too large a sum of the public money. Mr. Jenkinson then proceeded to relate the rise, progress, occasional decline, revival, and present state of the Greenland fishery, which he considered as an important object of trade to the country. He gave an account of the bounties which had from time to time been granted, the effect they had produced, and their present operation. The condition of the bounties at present paid, were 40*s.* per ton for five years; 30*s.* for five years; and 20*s.* for five years. The sum this country had paid in bounties for the Greenland fishery was no less than 1,265,461*l.*; and the last year only, we had paid 94,858*l.* At present, there were 188 ships fitting out, and he had that day heard of two more; now, as the two were fitting out at Exeter, a port not much accustomed to send ships

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to Greenland, it gave his mind an impression that the bounty was the sole object, and not the benefit of the trade: but however, there were upon the whole, this year, 190 ships fitting out; which, at 600*l.* a ship, made the bounties amount to 114,000*l.*: this was a sum worthy the attention of the committee.—He now pursued the history of the trade, and the bounties granted for its encouragement; observing, that we had been driven out of the trade in 1618, but tried it again in 1672: in 1733, a bounty of 20*s.* was granted; in 1740, a bounty of 30*s.*; and in 1750, a bounty of 40*s.*; and now he had no scruple to confess, that the prosperous state of the Greenland fishery took its date from the 40*s.* bounty, and had gone on flourishing ever since. He stated, that a saving voyage was, when a ship brought home 30 tons of oil, and 1½ of bone. That at present, with a bounty of 40*s.* per ton, we paid 60 per cent. on the cargo; this he conceived to be an enormous sum for the public to give. He said it appeared, that more ships were employed in the trade when the bounty was at 30*s.* than when it was at 40*s.* But though the trade increased during the late war, it was not owing to the 40*s.* bounty; for the great cause of it was, that we got rid of powerful competitors in the fishery (the Americans), which gave us, as it were, a monopoly of the trade. He stated the arguments in favour of a 40*s.* bounty, and the arguments which weighed in his mind very forcibly against it; and inferred from thence, that a bounty of 30*s.* per ton would be sufficient. He meant to propose that bounty; but in the Bill he should bring in, he should introduce certain regulations, such as, that three-fourths of the seamen on board should be British; and he should reduce the size of the ships upon which the bounty should be paid; the alterations to take place two years after the expiration of the present year. He stated an average of the last five years against an average of five of the twenty-seven years, the first being 16,197 tons, the latter only 13,193 tons: and said, that during the last five years Scotland had fallen off; but that Scotland and England both produced together, 380 tons more when the bounty was at 30*s.* than when at 40*s.*—He then moved, "That a bounty of 30*s.* per ton be allowed on all ships employed in the Greenland Whale Fishery, for a time to be limited."

Mr. *Dempster* remonstrated on the ill-chosen time for proposing a measure likely to affect the British fisheries, just after the close of the war, when so many of our brave seamen were turned ashore from the navy. He assured the right hon. gentleman, that the fisheries could not exist unless the 40*s.* bounty were continued, and expressed some surprise at his having declared, that he did not believe the gentlemen concerned in the Greenland fishery when they had asserted as much. Those gentlemen were men of as much honour and credit as any in the kingdom. He conjured the right hon. gentleman not to economize the public money so rashly as to risk the existence of the Greenland fishery, which was one of the most important branches of our commerce as well as one of our best nurseries for our seamen. If it had cost the nation a million, it was a million wisely laid out: the arts of peace were delightful; it had taken fifty years to expend a million in the establishment of a most valuable fishery: one month's war would have cost us the same sum, perhaps more: 100,000*l.* a year was a trifle for such a purchase; and criminal indeed was the idea of proceeding in a matter of such infinite importance without first instituting an inquiry in that House. An examination of witnesses before the privy council, was not, in his opinion, a sufficient ground for that House to found its present proceedings upon: for one, at least, he was resolved to oppose a measure of which the tendency seemed so excessively injurious.

Mr. *Jenkinson* said, that nothing which he had uttered could be construed into any imputation on the gentlemen who had been examined; he had only said, that when gentlemen were examined on matters that affected their own interests, their opinions had less weight with him than more disinterested opinions had.

Mr. *Wilberforce* said, that it might be true, that 100,000*l.* was a trifle not worth consideration compared with the importance of the Greenland fishery; but it did not apply to the question, because, if the motion was carried, 100,000*l.* would not be saved to the public, but a fourth of it. He, for one, should place much confidence in the declaration of some of the gentlemen concerned in the Greenland fishery: he knew them to be respectable men, endued with integrity and honour: the fishery was a lucrative source of national commerce, and our having acquired

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the supplying Germany with the greatest part of the oil consumed there, a singular and essential advantage. It struck him, that an expedient might be found, which would enable Government to pay the 40*s.* per ton bounty, and nevertheless lower the expense so as to lighten it very considerably to the public. The Greenland fishery was certainly an object of considerable importance to the country, whether viewed as a nursery for seamen, or as a beneficial source of commerce. The fishery, however, and the sending out of ships to Greenland, was rather to be regarded as a species of gambling than any sort of regular trade: the risk was great, and the gain sometimes proportionably lucrative; but it was almost entirely a matter of chance. He knew gentlemen who had acquired very capital fortunes in that way; there were others, however, who, no doubt, had been great losers by their adventures; in fact, scarcely any single fortune of a small compass was equal to the embarking alone in it. The southern fishery was indeed still more of a lottery; for there, whoever was successful and obtained the bounty, might be truly said to have gotten the 20,000*l.* prize. The expedient that he would propose was, that Government should lay a duty of 50*s.* per ton upon all oil imported; this would reduce the bounty-money in cases where it amounted to 150*l.* to 75*l.*; and thus enable Government to continue the 40*s.* per ton bounty at one half the expense only which at present it cost them. Mr. Wilberforce wished the bounty were paid on ships as low as 150 tons burthen, as that would effectually assist the purposes of commerce. Trusting to the right hon. gentleman's assurances, that after a full investigation of the subject, he was convinced that the Greenland fishery was likely to continue prosperous after the expiration of the next year under a reduced bounty of 30*s.* per ton, he should support his motion.

Lord *Penrhyn* stated the case of the people of Liverpool, whose ships employed in the Greenland fishery had always been increased in number under the 40*s.* bounty, and decreased when it was lower.

Mr. *Beaufoy* expressed his wishes, that the general benefit of the individual adventurers in the Greenland fishery could be reconciled to the public policy of the state, by so apportioning and distributing the bounties, as in a great measure to remove the risk of the trade, and render it less like a lottery, by insuring to every adventurer a certain portion of receipt, to go in discharge of his outfit, whether he had the good fortune to take a capital prize or not.

The *Lord Advocate* contended for the continuance of a 40*s.* bounty, arguing, that to reduce it would be a breach of faith with those who had fitted out ships and entered into the Greenland trade.

Mr. *Hussey* said, that greatly as he felt inclined to save the public money, he must vote for the continuance of the 40*s.* bounty. He advised the committee, before they consented to the present motion, to be well assured it would not prove dangerous to the fishery. If it was at all likely to put so important an object as the Greenland fishery in danger, it ought not to be hazarded.

Lord *Mulgrave* considered the Greenland fishery as an object of trade merely, and not as a nursery for seamen. The Newfoundland trade, for instance, where raw landmen were taken aboard, and after they had been long enough to know a little of seamanship, got into other ships and learnt more, was a nursery for seamen, but the Greenland trade was different; the men on board Greenland ships were necessarily the best and most experienced seamen we had, for no others would do.

Mr. Alderman *Hammet* contended for the continuance of the 40*s.* bounty, and recommended the right hon. gentleman to try some other expedient instead of that proposed.

Mr. *S. Thornton* said, that he had been instructed by his constituents to assure the House, it was their firm belief, that nothing less than a continuance of the present bounty would enable them to carry on this fishery to the extent they now did. He mentioned having had much communication with a committee of Greenland ship-owners in London, who had strongly affirmed the same opinion: when, however, they discovered an aversion in Government to grant their request, they empowered him to make an offer of what they thought a better mode of reducing the bounty, and which would be more acceptable to them. This was, to confine the size of shipping on which it should be paid to 300 tons instead of 400, which gentlemen would be aware was taking off one quarter part, as much as the lowering of the duty from 30 to 40*s.* They also had made proposals of taking an additional number of apprentices and

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sailors, if the present bounty was continued; but he was sorry to see it was the intention of the right hon. gentleman to avail himself of all these propositions, first to lower the bounty, and then the rate of shipping at the end of two years, which, he must beg leave to say, he did not think was fair, but taking advantage of their communications. He entirely agreed with Mr. Wilberforce in wishing, that the bounty should be paid as low as on ships of 150 tons; for the reason, that they employed one-fifth more seamen than ships of 300 tons, and that they would be suited for the seal and other fisheries when they were not in the Greenland seas. He stated it as the wish of the trade, that ships should not be obliged to stay out till they got a particular quantity of fish, but should be permitted to return home when they had got a limited quantity of blubber.

Mr. Alderman *Watson* contended for the continuance of the 40*s.* bounty; the trade could not go on unless it was continued. As to the idea of the public paying 60 per cent. on each cargo, he denied the fact; the public paid 60*l.* to receive 100*l.*, so that the public had a clear 40*l.* per cent. He recommended the altering the number of apprentices, by obliging each ship to take two extraordinary, and instead of four years, to let them serve for two only, but in time of war to take off the restriction: by that means, he conceived, the fishery would become a real nursery for seamen.

Mr. *Pitt* observed, that even if he had neglected to direct his inquiries into the nature of the subject, some arguments which fell from enlightened and respectable characters during the course of the debate, would most effectually have reconciled him to the motion. On one principal part of the subject he believed the whole House was agreed, which was the importance to a certain degree of the Greenland fishery. The chief grounds for a difference of opinion appeared to be on the shades of its importance; some gentlemen being inclined to consider it of much greater magnitude than others. He should consider the subject in the two points of view in which it had been placed in the course of the debate; first, as a source of naval strength; and secondly, as a mere branch of commerce. He entirely coincided with the noble lord in his opinion relative to what ought, and what ought not to be considered as a nursery for seamen, and that the Greenland trade was entitled to that name only in a limited degree. It might be useful as a means of improving sailors, and of course was so far desirable; but it was by no means to be regarded as a source for increasing the number of seamen for the navy, because they were protected from being pressed, some of them for the whole of the year, and all of them for a considerable part of it. Was it in the present situation of the country reconcilable to any principle of economy or good policy to give a bounty to 6,000 seamen, amounting to 13*l.* a man, when, at no one time, we were able to obtain more than 500 of that number to serve on board our ships of war? He could not, for his own part, seeing the exhausted state of the finances of the country, give his consent to a continuance of a weight of that enormous nature, for the advantage of having, not more seamen to recruit our navy, but a small portion of those we had, in some degree of a better quality than we might expect in the ordinary course of the service. When he considered it in a commercial point of view, he saw objections to the present system equally strong. It was a singular circumstance for any country to give such a bounty on any article of commerce, as should make the state, instead of the individual who was to consume it, be the purchaser: this in fact was the case with respect to the materials brought from Greenland; the bounty had operated so upon the market in reducing the price of the commodity, as to make itself become equal to 60 per cent. on the whole amount; thus, in proportion of 60 per cent. the public were the purchasers for the consumers. This was an abuse by no means to be suffered any longer to subsist; yet still it was not the only bad consequence arising from the magnitude of the bounty. The vast encouragement given to the trade, had given such a glut to the market, that it was found necessary to export considerable quantities; the price was to foreigners as well as ourselves greatly reduced; and thus we paid a considerable part of the purchase money as well for foreign nations as for our own people, besides supplying them with the materials for great and important manufactures. This was an evil of such a construction, as to operate constantly and uniformly to its own increase; and if the trade, which was now represented to be in a most flourishing state, should go on still improving,

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as it was called, it would be absolutely necessary to put an immediate stop to the bounty; because, not being limited to any number of vessels, or any quantity of fish, it might increase *ad infinitum*, and entail upon the country a burthen that had no adequate advantage. And hence fully appeared the necessity for contriving such measures as should confine the trade to its proper limits, which he apprehended was that which would furnish sufficient for our own consumption. What he should wish would be, to see it stationary; and he hoped the new regulations would have that effect. Much had been said on the topic of foreign nations giving additional encouragement to their subjects, and, among the rest, of a neighbouring kingdom, France, going near to rival us in this branch of trade; yet he by no means considered it as any argument for us to continue the bounty; because neither in point of naval force nor of revenue was it a matter of any advantage, and those were the only objects in which we had any reason to lament or dread a rivalship with that country. As to the extraordinary bounties given by another prince to the Greenland trade, it was not for him to examine what his motives might be; but he should imagine, that his revenue would prove but little able to bear it, and that it was only intended to be continued for a short period.—It had been suggested by an hon. alderman, to increase the advantages derived in a naval point of view from this trade, by obliging the master of the ships to take two fresh apprentices every two years, but that this obligation should cease in time of war: this he said would not be at all conducive to the end proposed, but rather the contrary; it might indeed be useful in a degree by improving our seamen, but would not give us any additional numbers in time of war. The Greenland masters would keep all their men, in consequence of their not being obliged to take out a constant succession of apprentices, so that it would afford opportunities of increasing the navy in time of peace but not in time of war. As to the idea of the Lord Advocate, that the public faith was pledged for a continuance of the bounty, he must combat in the most decided manner such a doctrine. To give a bounty for a certain limited time, was, in fact, reserving to Parliament the option of putting an end to that bounty at the end of that time; whereas, from the learned gentleman's argument, it would follow, that a bounty once granted must always continue. Under these impressions, he must support the motion.

The House divided: Yeas, 41; Noes, 15.

Debate on Mr. Burke's Articles of Charge against Mr. Hastings.] April 3. The order of the day having been read for the House to resolve itself into a committee of the whole House, the Speaker left the Chair, having previously put the question on motion, "That the several Reports which, since the year 1772, have been made from the committees of secrecy appointed to inquire into the causes of the war in the Carnatic, and of the condition of the British possessions in those parts; and from the select committees appointed to take into consideration the state of the administration of justice in the provinces of Bengal, Bahar, and Orissa, be referred to the said committee;" Mr. Orde took his seat at the table.

Mr. *Burke* observed, that it was his intention during the progress of the business which he had undertaken, to call some of the gentlemen to the bar, who had been ordered by the House to attend as witnesses, and to examine them for the purpose of authenticating certain papers already in his possession, relative to the transactions at Oude, with regard to the treatment of the royal family, the imprisonment of the mother and grand-mother of the king, and the putting other persons of quality in fetters, with a view to extort sums of money from them. The papers ought to have been at the India-house. He should, therefore, establish their authenticity by oral evidence, as well for the sake of enabling himself to lay them on the table as written evidence, as of proving that the Governor-general had withholden the communication at home of such papers of importance as it was his undoubted duty to have communicated; and first he desired, that capt. Leonard Jaques might be called in.

The *Master of the Rolls* contended, that it was indispensably requisite that the committee should proceed with the utmost circumspection, when the whole weight of Parliament was about to be brought forward to press an individual to the ground; whether properly or improperly brought forward, he would not say. He had fully expected, when he came down that day, to have heard the right hon. gentleman state the charges which he meant to bring forward against Mr. Hastings, that he and

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other gentlemen might be able to judge how far the parole evidence to be adduced at the bar bore upon the charge, as well as whether the charge was a criminal charge or not, and such as it became the dignity and justice of that House to entertain. As to the mode in which the right hon. gentleman meant to proceed, he was so little able to guess even at its nature, that he hoped he would state more specifically the facts in charge, to which he meant to examine the witness whom he had just asked for. He knew not, for his own part, much of the forms of proceeding upon criminal matters in that House; but with the practice of places more immediately relating to the profession to which he had the honour to belong, he was tolerably familiar; and though he could not say much of the practice of that House, as the grand inquest of the nation, he well knew that it was the practice of the grand inquest of every county, when a criminal prosecution was brought before them, to hear a positive, specific charge first, and then go into the evidence, and find a bill of indictment. He should suppose that something analogous to that practice either did, or ought, to obtain ground in respect to criminal prosecutions carried on by that House. Certain, however, he was, that it behoved them to act with more than ordinary caution in the proceeding then carrying on by them against an individual, especially when it was considered that the whole business lay in the hands of a right hon. gentleman of great and acknowledged abilities; and as that gentleman was known to possess as much candour as any man living, to that he should venture to appeal, and to his conscience, whether it would not be fair, in respect to the supposed delinquent, that the charge should be specified in some sort at least, or so much of it as the witness just named would be called upon to speak to, before he came to the bar.

Mr. *Nicholls* expressed his opinion, that the charge ought to be opened to the House, that they might know where they were going, and be able to judge how far the papers called for were necessary to establish it. The practice of criminal courts of justice upon indictments, was well known, and was worthy of imitation; and it seemed necessary in point of justice that some specfic criminal charge should be made out before they proceeded farther.

Mr. *Burke* answered, that so much did he admire and respect wisdom, that he would bow even to late wisdom; but surely, if instead of learned gentlemen of great weight and authority, because at the head of their profession,—instead of the Master of the Rolls, the Solicitor General, and the learned gentleman whom he saw opposite to him, coming down so late in the progress of the proceeding as the stage of the committee to which they had that day arrived, in order to set the House right and guide their steps in the business, they had come down at first, and been so good as to let them have the benefit of their superior legal knowledge—their conduct would have been more kind, and their behaviour more friendly to the House and to him. The learned gentleman had talked of the weight of that House being exercised to crush an individual to the ground: he might rest assured, that neither that House would suffer its weight to be used in the unjust pressure of any individual, nor would he attempt to use it for any such purpose. But, in truth, the weight of that House, in a prosecution of an East India delinquent, was not to be considered of that dreadful nature; it would not be felt equal to a feather upon any individual, as experience had again and again shewn. The loins of that House upon a criminal weighed not so much as the little finger of the law, nor was it so likely to crush him to the earth. For his part, he meant, through the whole of the proceeding, to shew himself as open as possible, more so than perhaps was well for the part which he had undertaken, but certainly not more so than was fair. With that view he had, in the very outset of the business, laid down the grounds of fact in a general manner, upon which he was induced to presume guilt of a great and enormous nature in the government of India; and in order to establish which, as a matter of criminal charge against Mr. Hastings, he had called for certain papers, most of which had been granted and some denied. The papers already upon the table were those on which he should rest much of the various charges which he meant to bring forward; and he had other papers extremely material to the establishment of the charge, which he wished the House also to have before them; but it was impossible for him to produce them until they were authenticated, and the witnesses, whom he meant to call he knew had it in their power to authenticate them. As far as they had gone, the House, and not he,

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were answerable: any thing, therefore, which the learned gentleman had to suggest against the order of their proceedings, must go in censure of the House, because the papers for which he had moved, were, many of them, granted. He had then moved for a committee of the whole House, and that the House had also granted; and he had moved for certain witnesses, to establish by oral evidence, the authenticity of the written evidence which he had in his possession, which witnesses the House had ordered to attend; and they were at that moment in a committee for the purpose of calling in and examining those witnesses.—The whole of the proceedings hitherto were proceedings sanctioned by that House; and surely when the House had ordered a committee, it was not merely for putting the chairman into his seat at the table that he might leave it the moment he sat down, without transacting any business in the committee. The cause which he endeavoured to forward was one of the most important ever agitated by Parliament; it behoved the House, therefore, to be careful of its own honour, and by no means to appear desirous of restraining evidence or preventing full information on the subject. Both the learned gentlemen, had they attended in the early part of the business, would have heard him state the outline of the charges; the better to establish which, he had since found it necessary to call for so many papers. One learned gentleman had appealed to his candour, and he would prove to him that he had not appealed in vain, by reading again a paper which he had before read to the House, and upon hearing of which, they had not ventured (except in one or two instances) to refuse him the papers for which he asked. [Mr. Burke here read the paper, which consisted of a summary statement of the principal facts in respect to the conduct of the British in the kingdom of Oude, and the transactions at Oude; to which he meant solely to confine himself in his first inquiry.] With regard to the learned gentleman's allusion to an indictment and a criminal trial in the courts below, the comparison would not hold with that House. In their proceeding at present, they rather resembled the presentment of a bill than any thing else; and certainly they in no sort resembled a jury trying a cause. Their proceedings in all cases of criminal prosecution were clear, distinct, and peculiar to themselves; and he must appeal to the honour of the House, to suffer the witnesses, whom they had themselves ordered to attend, to be called to the bar and examined.

The *Master of the Rolls* expressed his concern and astonishment that the right hon. gentleman should venture, without a fair foundation, to insinuate, that he, and others of his profession, had been brought down upon that day for the purpose of preventing the witnesses from being examined; so far from it, he most solemnly declared, that he had not consulted with any individual upon the subject; and came down expecting to have heard the charges intended to be brought in against Mr. Hastings, stated by the right hon. gentleman. When the motion was made for calling captain Jaques to the bar, he cast about in his own mind to discover, whether that mode of proceeding was fair and just to the supposed delinquent, and to ask himself how far it approached any sort of process of criminal jurisdiction within his knowledge, because he felt the great magnitude and importance of the business, and was fully convinced that the House could not proceed with too much caution. He quoted sir Michael Foster's Treatise on the Crown Law, in which, speaking of parliamentary prosecution, he says, it is the duty of the House of Commons to be more peculiarly guarded than any other, because of their extraordinary severity, all the people of England being virtually the prosecutors of one man. In the present case, practices had been resorted to, the most scandalous and unjust. Pamphlets, artfully calculated to prejudice those who were to sit in judgment on the impeachment (should any go to the Lords), had been sent under cover to noble lords, with a view to inflame their passions and mislead their judgments; in like manner, newspapers, crammed with articles calculated to answer the same end, had been industriously circulated: such conduct was equally indecent and unjust, and consequently unworthy those concerned. On such occasions, it had been usual for the law courts severely to punish the offenders, holding it a daring contempt to publish any thing whatever while a criminal cause was pending. The particular publication which he happened to take in, contained a state of the case upon the present subject very ingeniously put, but in the most unfair way possible; and he had seen a pamphlet, sent under cover anonymously to a noble lord, whose name if it were ne-

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cessary he would mention, which was clearly published for the same iniquitous purpose; whoever was guilty of these practices he should be glad to see severely punished. He hoped and believed none of the accusers of Mr. Hastings either countenanced or encouraged any such practices.

Mr. *Fox* said, that his right hon. friend was perfectly correct in wishing to have his witnesses parole evidence immediately taken. His right hon. friend had not only opened some general grounds to the House at the commencement of the business, but on moving for each specific paper, had stated the particular facts, to prove which the papers were called for. The committee knew enough, therefore, of the general grounds of the charge to be laid in future, to see the necessity of calling for the witnesses. It was his right hon. friend's intention to keep each article of charge as distinct as possible. There was one species of criminality, however, so implicated and involved in all of them, that it would be difficult, if not utterly impossible, to separate it; and that was, the uniform and invariable neglect on the part of Mr. Hastings to send home full and complete information of what passed in India, to the directors: that pervaded every charge, and mixed in every transaction. The matter in contest was merely a question as to the form of their proceedings, rather than any difference of opinion upon other points.

The *Speaker* rose, in order to endeavour to settle the form of their proceedings, which appeared to him extremely important to be adjusted before they went farther, since an error in that respect might establish a very improper precedent. The better to bring all the circumstances of the case before the committee, that they might see precisely how they stood, he recapitulated every step which had been taken, from the commencement of the business to that hour, and stated Mr. Burke's declarations at the outset, and at different times, as to the course of proceeding which he meant to pursue. He described the modes which struck his mind as the only possible modes to be adopted effectually; the result was, that the whole depended on the question, whether that committee was a committee of inquiry, or a committee appointed to receive a charge, or certain resolutions tantamount to a charge? It forcibly struck him, that the committee was not a committee of inquiry, but merely a committee to receive a charge; and that in stating the charge, the right hon. gentleman would attach to it, or to the resolutions which he should propose, criminality of a certain colour or quality; it would then remain to be seen, whether the charge or resolutions were grounded in facts, and whether the criminal colour and quality attached really belonged to those facts. That being his opinion, he did not think the committee could receive oral evidence; they were not directed so to do; and if it had been moved, that the written papers should be read, upon the same principle that he was against receiving oral evidence, he should have objected to the reading a single line of the papers.

Mr. *Fox* admitted, that the Speaker had, with a correct memory, recapitulated every thing which passed in the House in the course of the various debates and conversations which had taken place on the subject, but he could by no means agree with the latter part of his speech: he knew not that any committee was formally entitled a committee of inquiry; but nevertheless he was satisfied that the business of the committee was, to inquire into the grounds of evidence, and examine the witnesses; else why had the House referred the papers to them, and ordered the witnesses to attend them? He concurred in the opinion, that in this case the written and the parole evidence were the same, and to be treated in the same manner; but the manner of stating and supporting the several charges, could, he conceived, only be by selecting the facts from the evidence before the House, and referring to the papers from which they were selected.

The *Solicitor General* said, that he fully expected to have heard the charge stated that day by the right hon. gentleman. The proper and strictly formal mode of proceeding was, by stating the charge first, and annexing additional references to it afterwards: by these means the committee would be enabled to examine witnesses, knowing to what their evidence was to be applied. The voting an impeachment was immediately analogous to the finding of a grand jury, and a great part of the charge was not impeachable matter. The word 'evidence,' of itself, implied a charge, since every body knew it signified the grounds of making a charge evident: and no man who regarded his reputation would like to have a bill of indictment found against

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him, although he might afterwards be acquitted by the petty jury. Mr. Hastings had a great reputation at stake; and as every man was presumed innocent till he was proved guilty, it behoved that House, in justice and in candour, to avoid fixing any thing like a stigma of guilt before they knew that it was merited.

Mr. *Burke* warned the House against doing any thing so incongruous as to call their own acts in question. What they were now urged to do, was neither more nor less than to reprobate their former proceedings. As to the idea, that the charge ought to be stated first, instead of the evidence out of which it would naturally arise, it reminded him of a parcel of philosophers, who were disputing among themselves about the reason why a flock of sheep ran faster when the wolf came than at any other time—when a poor simple fellow like himself said, "But before you enter deep into your controversy, would it not be wise to ascertain the fact, and to see whether sheep do run faster when the wolf comes than at any other time?"

Mr. *Ellis* contended, that the practice of the House had been different from what had been stated. He cited the parliamentary proceeding against sir Robert Walpole, when an inquiry into his whole twenty years administration was the object proposed.

The *Lord Advocate* felt it necessary to clear himself from the unmerited insinuation of having been brought down to oppose the examination of witnesses, declaring that he really had imagined their business that day would have been to have heard the charges of the right hon. gentleman, that they might know what they were about, and not proceed any farther in the dark. He never heard of an inquisition after guilt. There was no such practice in any part of Great Britain. Supposing a man was found murdered; in such a case the coroner held his inquisition in order to find who had committed the crime, for the crime was notorious; the crime should first be ascertained, the party accused of it, and the witnesses examined to prove the guilt; but never could it be just to bring witnesses to be examined before a charge was made, much less before guilt was proved, or a crime was known to have been perpetrated. In the case of Mr. Hastings, what was the guilt? Was India lost? Were our dominions there diminished? Were they not rather enlarged? Had such a proceeding been instituted in the case of the American war? Then the guilt appeared *primâ facie* from the loss of thirteen provinces, and from the capture of a whole army, and other obvious miscarriages. On the contrary, in the East, there was the strongest reason at first sight to applaud rather than to condemn the government of India, from the whole of our possessions in that quarter being preserved, and from the present flourishing state of them.

Mr. *Sheridan* contended, that the House were not then sitting as judges, nor did Mr. Hastings want an advocate; neither was the loss of thirteen provinces, nor of a whole army, at all in point to the subject under consideration; but, he owned, that he was a good deal surprised at hearing the learned lord severe on earl Cornwallis, for when he talked of the loss of an army, he presumed the learned lord must have meant him; and surely the noble earl was, at this time, a favourite with Administration! Their granting to him the post of governor-general proved clearly that his sins were forgiven him. If the committee were rightly to adhere to forms, they had it not in their power to receive any charge, notwithstanding the charge had been called for so often. The order of the day clearly confined them to the examination of the written, and to the receipt of the parole evidence; and the natural duty of the committee would be to make a report, out of which report the House would have to draw and extract the charge. If therefore the arguments of the gentlemen on the other side were to prevail, the report must certainly be to this purport: "Your committee have not examined the evidence, which you referred to us, and directed us to investigate; but we report the charge, which you did not direct us to receive."

Mr. *Burke* ridiculed the Lord Advocate's idea, that because India was not utterly lost and gone, the conduct of the government, and the person who held it, must be laudable. Such an argument was absurd in the extreme, since the tendency of it went the length of asserting, that any delinquency short of losing the country was not to be complained of. And therefore unless it happened, as in the old fable, that the devil came and flew away with the house and all, no mischief could be sustained; the door might be forced, the bureau pillaged, and the owner have no claim to redress.

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Major *Scott* said, that when the right hon. gentleman, six weeks before, opened his mode of proceeding, he (the major) earnestly pressed him then to bring forward his charges; but the wisdom of the House, to which he bowed with all submission, determined first to grant him papers. On that day three weeks, however, the right hon. gentleman did actually appoint that very day, either to move charges, or resolutions which were to be the foundation of charges: and he went farther; his words were, "that considering the variety of matter which he had to bring forward, having a government of thirteen years to go through, he trusted that the House would not think three weeks a very distant day for him to produce his charges." The major appealed to all sides of the House to declare, whether those were not precisely the expressions used: and now that the day was arrived, what, he added, was the mode of proceeding? Instead of producing a single charge, the right hon. gentleman desired that captain Jaques might be called in. Would the committee suffer this contemptible motion to pass, at the very moment that they had a right to call upon the right hon. gentleman for a performance of his promise?

Mr. *Burke* adjured the House not to restrain and narrow evidence. He reminded the House of the murders, the rapine, the delinquencies of various kinds practised in India, where a whole people had been extirpated, princes sold, the persons of women of the highest rank treated worse than common prostitutes, and every vice and fraud perpetrated which could degrade human nature, and disgrace the British name. For the sake of their own honour, and for the sake of the national credit, he urged the committee to consent to examine the witnesses. His reason for pressing so much that point was to prevent their being tampered with or influenced, and when he said so, he meant no imputation on any one of them; but human nature was human nature. If the committee should, in spite of his caution, continue to call for the charges, which they had heard exacted as a matter due from him, though he never had even hinted a promise that he would introduce them that night, they should have them; for he had the code of accusation with him, though that, in his opinion, was not the fit moment to produce it.—Mr. Burke intimated that the East-India directors concealed papers from the House which ought to have been there, as they were essential to the accusation.

Mr. *S. Smith* jun. observed, that it excited his indignation to hear the insinuation that the directors had concealed papers from the House; for such a charge was substantially false.

Mr. *Burke* then withdrew his motion. He said, that he would barely produce such of the charges as he had ready, without any argument to raise a prejudice either for them or against them. When the day should arrive for him to argue them as the grounds of an impeachment, he should endeavour to point out in what degree they criminated Mr. Hastings.

The Chairman reported progress, and asked leave to sit again.

April 4. Mr. Burke in his place charged Warren Hastings, esq. late Governor-general of Bengal, with sundry high crimes and misdemeanors; and presented to the House several Articles of charge of high crimes and misdemeanors against the said Warren Hastings, esq. And the said Articles were delivered in at the table and read. On the 12th Mr. Burke presented further Articles.

April 26. Mr. Burke presented two more charges against Mr. Hastings, observing that, previous to the rising of the House, he should come forward with a third, which with the exception of two, yet remaining, and almost in readiness, would prove the last.

Major *Scott* presented a petition from Mr. Hastings, setting forth, "That the petitioner observes, by the votes of the 4th and 12th instant, that Mr. Burke, in his place, has charged the petitioner with sundry high crimes and misdemeanors to this House, which Articles are referred to the consideration of a committee of the whole House: and therefore praying, that he may be heard in his defence to the said Articles, and that he may be allowed a copy of the same."

Mr. *Burke* signified his consent, provided that its contents could be complied with conformably to precedent. It was then moved, "that Mr. Hastings be permitted to be heard on the matter of the said charges, and that he be allowed a copy of the same."

Sir *Grey Cooper* remarked, that such precedents as he had found upon the Journals, appeared to merit the attention

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of the House. He then read a few precedents, from the nearest of which to the present proceedings, it appeared that parties accused had been indulged with a hearing, but that copies of the charge had not been granted. He contended, that it would be impossible to comply with the latter part of the motion.

Mr. *Burke* desired that the hon. baronet would accept of his acknowledgments for supplying him with precedents so much in point, and coincided with him in the opinion, that copies of the charges could not be granted; or if they were, that they would prove of no use to Mr. Hastings. It had originally been his intention to have called his evidence first, and then to have proceeded gradually, to let the charge grow out of the evidence; but the House, in its wisdom, had thought proper to vote a different mode of proceeding. Hence he had been reduced to the necessity of making his charges as comprehensive as possible, taking in and stating every thing with which private information could furnish him. But it had since appeared, that in several of the charges there was superfluous matter, which called for correction, and to omit which, he should himself move in the subsequent stages of the business. He had, in one charge, accused Mr. Hastings with not having called in and cancelled his Bengal bills; whereas the fact was (as appeared by papers laid on the table since) that the bills were (as he conjectured they would be) all cancelled and discharged. He desired the House to recollect that they were proceeding as accusers, and that Mr. Hastings could only make a defence with success, where there existed a power of acquittal. If he were to make a defence there, nothing could be more evident than that he ought to have the benefit of counsel, and of calling witnesses to examine to facts. As he had only prayed to be heard himself, the case was otherwise. Mr. Burke concluded with expressing it as his opinion, that only the first part of the motion could be complied with.

Mr. *Fox* observed, that the charges were not articulated charges, but merely general collections of accusatory facts, out of which the real charges were to be extracted; and every body knew, that even after the House had decided upon those real charges, articles short, specific, and pointed, were to be drawn and sent up to the Lords, as the grounds of impeachment; unless a precedent could be adduced, to prove that under such peculiar circumstances copies of charges had been granted by that House to a party accused, he should be of opinion that the House could not grant charges, loosely drawn, and which the committee, to whom they were to be referred, would necessarily alter materially.

Mr. *Pitt* remarked, that the reasoning of the right hon. gentleman carried with it a meaning opposite to that which it was intended to convey. If when a charge had been formed in a dry, terse, and close manner, it was necessary to give a copy of it to the culprit, much more was it so when it was so detailed, and so full of extraneous matter. The charges he was willing to admit contained great criminal matter, and such as it was highly incumbent on the House to investigate; but still they were so filled with aggravations and unconnected details; they were so confused and complicated, that he thought it absolutely impossible for the House to separate those parts which were worthy of attention, from such as were entirely foreign from the main design. As it was by all admitted that Mr. Hastings ought to be heard, it must also follow that he ought to have a copy of the charges delivered in against him, for it was only from those charges that he could be able to judge what would be proper for him to say to the House. From them alone he could judge what parts it would be proper for him to admit, what to deny, and what to justify; nay, whether he might not demur to the whole. When he said that there was much criminal matter contained in the charges, he did not mean to insinuate that he had formed any opinion, whether such criminal charges were well-founded or not, he should be inclined to hope at least that they would appear otherwise; there being very serious charges made, the House were bound to look into them with every possible degree of circumspection and acuteness, but that not more in favour of the charges than of the person accused. He offered several precedents to shew that it had been always the uniform practice of the House to afford a copy of the charges to the party, previous to going into the evidence to substantiate such charges.

Mr. *Burke* remarked, that it behoved him to confess a truth of which, undoubtedly, the House was well persuaded, and fully to admit his absolute incapability of producing charges of such magnitude,

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importance, and variety of matter, in a state of perfect correctness. Men of much greater abilities than he pretended to, could not have done it; in this, as in many other cases, *materiam non superabit opus;* the plate was often better than the fashion, and thus he presented the House with his rough ingots, and left it for them to polish and put them into shape and form. The right hon. gentleman, however, had made an admission and an objection. He had confessed, that the charges which he had brought forward, contained much matter of serious criminality, that the honour of the House and the character of the nation were deeply interested in the issue of the business, and that it became their indispensable duty to take care that substantial justice was done, and if the guilt imputed were fully made out, that the party accused should be brought to condign punishment. This was a fair and just confession, and he was happy to find, that confused, complicated, irrelevant, and almost unintelligible as the right hon. gentleman had declared the charges to be in many parts, he nevertheless understood them sufficiently to find out that they contained much matter of criminal offence. The objection that had accompanied this admission, was, what he would next speak to. It was utterly impossible for him, denied as he had been, his own mode of proceeding, by adducing evidence first, and then making the charges to rise, as it were, out of the evidence, to have drawn his charges in a shorter compass, without actually rendering them ten times more liable to the objection of their being confused and unintelligible. Great and obvious was the difference between crimes of a specific and ascertained nature, such as were defined and known sufficiently by their name alone, and such as were not; as, for instance, high treason and felony, opposed to these, high crimes and misdemeanors. Under the classes of high treason and felony, certain specific and known offences were arranged; but misdemeanors comprehended a general class of offences incapable of precise definition, and depending altogether on circumstancial and detailed description. Hence all misdemeanors were difficult to be made out in charge, and impossible to be so stated as to be rendered intelligible, but by amplified description. In the case under consideration, he had three things to make out; first, that the transactions to be made matter of charge, were misdemeanors; next, by circumstances of aggravation, that they were high crimes and misdemeanors; and, lastly, that they were Indian misdemeanors. An infinite variety of detail was of consequence indispensably necessary. To prove the mischiefs done in Benares, it was necessary to prove that Benares had been a most fertile province, and that it was a populous province, and that it was no longer either populous or fertile. So with respect to the royal family at Oude, it was necessary to prove their rank, and to prove what a disgrace exposing women naked in the market-place was. [The House laughed.] The very impression the fact made on the House proved the truth of his argument. To talk of exposing women of rank to the sight of the soldiery, was matter of laughter with us Europeans, and in that House. In India it was the deepest disgrace; a disgrace, to escape from which, hundreds had devoted themselves victims to the pile, and lifted their willing hands to put a period to their existence, rather than stand the chance of incurring it. All this was necessary to be described in argument to render it intelligible to the major part of that House, who notoriously had paid no great attention to Indian affairs. It was impossible to avoid large and circumstantial detail in his charges, to however small a compass the issuable points they contained might be capable of being reduced. Whatever alteration they might appear to require, the right hon. gentleman had taught him that he ought not to be ashamed of their standing in need of amendment. In proof of this observation, he should beg leave to instance the Irish propositions, which had been altered *in toto* in that House, after the right hon. gentleman had introduced them, and a variety of bills introduced by the right hon. gentleman, that had been equally altered.

Mr. *Fox* remarked, that it could only be from want of leisure, that the right hon. gentleman had not been able to understand the charges. He believed no other man in that House, who looked into them ever so slightly, would rise and say he did not understand them. Those without doors, as well as those within, who had read them, would not deny that they were perfectly intelligible. With regard to their not being relevant, he expected it would not be denied him, that the charges in their present cast and form contained much matter of criminal offence. That

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was all that was necessary, because it was sufficient for the committee to whom they were referred, to report that; and then it became the duty of the House to draw out the criminal parts and shape them into articles, as fit grounds of impeachment to be presented to the Lords. Whatever alteration might appear necessary, that was a matter of subsequent consideration. He described the difficulties his right hon. friend had experienced in his progress to that stage of the business, and said, that no man with less abilities than those of his right hon. friend could have surmounted them. As soon as he had brought the business in one shape, it was stated by the other side of the House, that the form of proceeding was wrong, and that another form must be adopted. His right hon. friend, thereupon, accommodated himself to the new mode, and followed it. The next time the business came on, the other side changed it again, and again his right hon. friend adopted it. Still new modes were proposed, new delays invented, new artifices played off to retard and embarrass. But the House and the public must see through the whole. The right hon. gentleman opposite had admitted, that the charges bore on their face and in their body, much matter of heinous criminal offence; but he chose to complain of confusion and irrelevancy, and had gone the length of stating that they were in some parts utterly unintelligible. Why were these complaints urged? Because the guilt imputed was clearly understood; because it was felt; because its impression could not be concealed. In spite of every objection conjured up for the sake of disguising the real effect of the charges, the criminal matter stood prominent, and could not be denied. Some people pretended not to understand the charges, because they understood them too well! They pretended to see no guilt in them, because they saw too much!

Mr. *Pitt* observed, that it was not without the greatest reluctance that he ventured to protract a debate, which, from the temper with which it was carried on by the right hon. gentlemen opposite to him, did not augur well of the moderation and candour that was to characterize their future proceedings. He hoped, however, when the business of criminal prosecution should be completely before the House, that those gentlemen would endeavour to shew less warmth and violence than their present language indicated. He should be extremely sorry, if, on the question for the impeachment, gentlemen were to shew themselves actuated by the spirit that seemed to warm them on the present day: at least he hoped, that when the right hon. gentleman who had spoken last should offer any grounds of charge to the House against the person accused, he would do it in a different manner from that which he had adopted in suggesting those insinuations against himself, of which they had just been witnesses. He desired to inform the right hon. gentleman, that however passion or other motives might govern him and his friends, yet those against whom he had ventured to utter his unfounded calumnies, had no object in view but public justice. "Some people," the right hon. gentleman had said, "pretended not to understand the charges, because they understood them too well; they pretended to see no guilt in them, because they saw too much." He wished that the right hon. gentleman would aim at a little more of that merit, for which he was so ready to give the charges of his right hon. friend credit. He should be happy to find, that whenever he attempted to make any insinuation against him, he would enter more into detail, and be more explanatory. The right hon. gentleman had presumed to insinuate, that because he endeavoured to confine the proceedings of the House within the limits of propriety, of justice, and of precedent, that because he gave his opinion what was the most regular way of coming at that which alone ought to be the object of the House, the detection of guilt, or the proof of innocence; he was therefore attempting to screen a delinquent from punishment. He desired the right hon. gentleman to be more guarded in his language, or, if he had any such charge to make, to do it openly and fairly, and not in the covert manner which he had thought proper to pursue. For his own part, he had no other object in view in the inquiry then depending, except the clear elucidation of the question, that so the guilt or innocence of the accused might appear; he should give his whole attention to the proceedings with such a hope as he imagined every man would feel, that the party might be able to establish his innocence; but at the same time with a determination, that if he should be found guilty of the charges brought against him, he should receive condign punishment. It had also been insinuated, that he and

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his friends had endeavoured to affix a stigma on those who brought forward the charge, as if they were more influenced by motives of private animosity than of public justice. He had no such suspicion: he could not believe that there was a man within the walls of that House, whose heart was so callous as to make use of a judicial proceeding as a vehicle of revenge and malice: but the House was too well acquainted with the general conduct of the right hon. gentleman to suffer any thing from him, however rude, boisterous, and indecent his language, to make an impression upon them, to the prejudice of any of their members.

Mr. *Burke* remarked, that the right hon. gentleman's invective against insinuation, and his insinuation against invective, had met, as they deserved, his most serious and close attention. The right hon. gentleman's very temperate declamation against passion, reminded him of two famous lines of Dr. Arbuthnot:

"There roar'd the prophet of the northern nation,
"Scorch'd by a flaming speech on moderation."

So the right hon. gentleman's example of temper was to be described. The right hon. gentleman had been himself the warmest and most passionate speaker in the debate, but his charges deserved not the objections that the right hon. gentleman had made against them. Before gentlemen took upon themselves to find fault, he wished they would be so good as to try their hands at the drawing out a criminal charge upon an Indian subject themselves.

The *Attorney General* begged that the question might be considered upon its true grounds, and no extraneous matter adverted to. He referred to the forms of proceeding upon informations in the courts in Westminster-hall in cases nearly analogous.

Mr. *Martin* trusted, that substantial justice would be done, and thought the right hon. gentleman had a right to expect the support of the House in a matter of such important national concern. When the present prosecution was disposed of, there remained one for the right hon. gentleman to proceed in, that he thought highly necessary to be undertaken in justice to the country. He alluded to the noble Lord in the blue ribbon, who had repeatedly challenged inquiry, and declared he was prepared to meet it. He had long been of opinion that the inquiry ought to have been proceeded in; but such was the state of parties at present, and such had been their state for some time past, that the noble lord well knew he might bid the country do that, which the dignity of the House, and his respect for them, forbad him to mention within those walls.

Lord *North* desired, that unless a full investigation of his conduct was regularly instituted, allusions to it might not, day after day, be made in gross and vulgar terms, equally unworthy of the House to hear, and the persons who made them, to throw out. Such allusions were obviously made for no other purpose but to create personal vexation and provoke personal retort, each of which was a matter surely too mean and trivial to engage the attention of the House, when questions of serious concern were under consideration.

Mr. *Burke* expressed a wish, that the bird who always sang one and the same tune would take it in a gentler key. The cuckoo's note was uniform, but it was melodious. Now though the bird in question could only sing one note, and that, like the cuckoo's ungracious to the married coalition ear, perhaps the House would thank him for correcting the harshness of his thrilling, and for giving his constant and unvaried song in a sweeter and in a milder tune. It was true, the cuckoo of that House could not soar as sublimely as the lark, or sing so sweetly as the nightingale, and therefore it became him to sing more gently. In reply to the hon. gentleman's recommendation of a prosecution of the noble Lord, it would be sufficient to observe, that whatever he might once have thought of his conduct, he should not now be prompt to urge an impeachment of one, whom he had the happiness to rank among the number of his friends; besides, when he looked over against him, and saw the right hon. gentleman, who had put a stop to all retrospective prosecution some years since, he dared not attempt it; more especially when he beheld the two powerful supports who sat on each side of him [Mr. Jenkinson and Mr. Dundas.] The influence of three such formidable opponents was sufficient to awe him into silence. He once thought the system that noble lord was pursuing, dangerous to the constitution, and extremely censurable. He had, therefore, at the time, drawn up seven distinct articles of impeachment; but he did assure the hon. gentleman, that

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only one of the seven went at all to affect the noble lord. When, however, he saw the system abandoned, and the noble lord ready to depart from that in support of which the first characters in the senate, the law, and the church, had united, he was willing to forget what was passed, and to do that honour to his distinguished talents and virtues which they well deserved. A noble marquis (of Rockingham) had indeed advised him to abandon the impeachment, and had taken the papers; and he had since endeavoured to find them, but in vain. No man was more ready to forgive a political adversary than he was, and to shake hands, when the cause of contest was at an end. He had, in his twenty years parliamentary existence, made several coalitions, and he should in all probability make several more. In his connexion with his right hon. friend they had always acted upon one set of principles, and never coalesced but where those they joined could act with them. The noble lord in the blue ribbon had more sacrifices to make than they had, when the coalition was formed; the noble lord and his friends had acted most honourably, and he was proud to make that public acknowledgment of his disinterestedness.

Mr. *Martin* admitted that it was unfair to twit the noble lord unnecessarily. All he had meant, had been to intimate his wonder that the country had lost so much the last war, and that no inquiry has yet been made into those losses.

The question was at length put and carried.

Mr. *Burke* then presented another charge, and after moving, that it be referred to the committee of the whole House, to whom the former charges were referred, moved, "That the Speaker do now leave the chair."

The *Master of the Rolls* objected to the motion, on the ground, that the situation of the business was completely changed in consequence of the House having that day granted Mr. Hastings leave to be heard upon the matter of the charges.

Mr. *Burke* observed, that unless the learned gentleman could prove, that there ought to be a distinction made between written and parole evidence in this case, his arguments must fall to the ground. It was but within the last fortnight that the House had adopted a new mode of proceeding on the recommendation of the learned gentleman, and already had the learned gentleman forgotten the mode he then recommended, and was suggesting another. Let the learned gentleman repeat his practice of being slow in giving his advice, and thus embarrassing the business day after day, he would not abandon his cause. He considered one arm of it as lopped off already; if he lost a leg, he would still persevere; and even were he to be deprived of both arms, he would fight, like Withrington, on his stumps. The only reason for his being so anxious to proceed with hearing the evidence, was, because his witnesses were in general extremely ill, and wished to retire out of town. Colonel Gardener and several others had been obliged by bad health to leave London, and were incapable of returning. He read a letter from one of them, with the certificate of the physician who attended him in proof, that he could not come to town without endangering his life. Sir Robert Barker, the first witness whom he meant to call, was also very ill, and wished to be dismissed; it was therefore on account of the gentlemen whom he had called for as witnesses, and not on his own, that he was so pressing for proceeding to hear them.

The *Master of the Rolls* said, the House had lately done him the honour to adopt his advice, but they had at the same time done themselves as much honour. On the present occasion the business had assumed a new face, by their having agreed to hear Mr. Hastings. It was that which rendered a postponement of the committee proper, and was no alteration in his mind.

Lord *North* contended, that hearing Mr. Hastings and receiving the parole evidence by no means interfered; and that the best way would be to have the whole of the evidence before them as well as the charges, before Mr. Hastings was heard.

The *Master of the Rolls* said, that undoubtedly if the written evidence was before the House, the parole evidence ought to be received: but he denied the fact; no evidence whatever was before the House; a member in his place had delivered in certain charges, but they were his charges only as yet, and not the charges of the House.

Mr. *Sheridan* remarked, that the charges were received, read *pro formâ*, and put upon the Journals.

The *Master of the Rolls* replied, that what Mr. Hastings might have to say might induce the House to drop the prosecution. In the courts below the practice was common to hear defendants *in*

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limine. Even indictments were quashed on proper cause being shewn.

Mr. *Fox* denied that the proceedings of that House and the practice of any of the courts of law were analogous.

Mr. *Jenkinson* observed, that the House having resolved to hear Mr. Hastings, he could only be heard in one of these two ways; either before receiving the evidence, or afterwards. He entered into an argument to convince the House, that the fittest time was then, as Mr. Hastings in all probability would be able to prove that half of each charge was irrelevant and improper to call evidence to; consequently those who were anxious for shortening the proceeding, would do well to support the hearing Mr. Hastings before they heard the evidence.

Mr. *Fox* asked across the House, how Mr. Hastings would be able to prove half of each charge irrelevant?

Mr. *Jenkinson* answered, by allegation and argument.

Mr. *Fox* remarked, that the right hon. gentleman had used a new word in his speech, and said that Mr. Hastings would be able to prove this and that and the other thing. The right hon. gentleman surely could not have to learn that the House of Commons was not the place to make his defence in, or to offer proof of his innocence. Mr. Fox added, that it had hitherto generally been imputed to him as a fault, that he spoke too direct and open. It was, however, a little extraordinary to impute insinuations to him in the same speech, in which his language had been called rude, indecent, and boisterous. The fact was, what he had said was unanswerable by argument, and therefore the right hon. gentleman had thought proper to meet it with scurrility.

Mr. *Anstruther* observed, that it equally excited his indignation and astonishment to discover with what consummate art Mr. Jenkinson found out a precedent pat to his purpose, one day, and produced a very different one, which better suited his case, another day. Allegation was also to prove, that one half of the several charges against Mr. Hastings were irrelevant. Allegation, surely, applied to facts; and what proof of facts could Mr. Hastings give before that House? As to argument, what proof satisfactory to them could a defendant's own naked argument afford? He reminded the House of the analogical arguments used by a learned gentleman on the subject of the scrutiny. As to quashing an indictment of which the learned gentleman had said so much, where was the analogy? An indictment, before it could be quashed, must at least be found. Had they found an indictment? Undoubtedly not. They were preparing articles as grounds of an impeachment, to be sent up to the Lords, and any thing by way of effectual appeal against such articles must go to the Lords, and be decided on by them, and them alone.

Mr. *Dundas* contended, that Mr. Hastings ought to be heard before they proceeded any farther; that it would be the most effectual means of aiding dispatch, and would tend greatly to elucidate an obscure and complicated matter, of which very few in that House were able to form any clear opinion.

Mr. *Nicholls* thought that Mr. Hastings ought to be heard before they proceeded another step in the business. Nay, he would go still farther and declare that if the first charge respecting the Rohilla war were to be decided upon, he should vote against it as a ground of impeachment, because he did not think there was any impeachable matter contained in it. If Mr. Hastings were heard before they proceeded any farther, he might probably save them much trouble, by satisfying the House that there was not any impeachable matter in any one of the charges.

Mr. *Pitt* remarked, that equal inconsistency seemed to accompany the determination of some hon. gentlemen to prevent, if possible, Mr. Hastings from being heard at the bar forthwith, and to postpone that hearing until after the evidence against him had been gone through; for thus, instead of giving him an opportunity of removing the prejudices which might arise from the charges going abroad, and making an impression on gentlemen's minds without being answered, which was what Mr. Hastings wanted, they would first add all possible weight to those impressions, by enforcing the charges by evidence at the bar, and then leave him to attempt, by his own assertion and argument, to overturn what had already been substantiated by evidence. He looked upon it, that the only way by which the House could be enabled to judge what method they ought to pursue in examining the witnesses at the bar, was, by knowing the specific charges brought by the accuser, and likewise the case of the accused. The former could not be done, except by selecting from the mass of historical and explanatory

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matter contained in the charges then before the House, such parts as were relevant to the supposed guilt of the culprit. This, he hoped, the right hon. gentleman meant to do; for if witnesses were produced at the bar to substantiate those charges in their present state, he was ready to confess, that he for his part was perfectly unable to distinguish what parts of them would be most necessary for him to examine the witnesses to. It might be contended, that such a proceeding would occasion a delay; but he was willing to incur the censure of creating a delay on a proceeding in which the honour of an individual was so materially concerned. It was a maxim of law, "nulla, de vita hominis, cunctatio longa est." The law considers no delay tedious where the life of a fellow-creature is at stake; and it could not be disputed, that to a person of Mr. Hastings's rank and consideration, good name and reputation were as dear as life. He declared, that he should never consent to go into the examination of witnesses, much less to vote the impeachment on the vague and indefinite charges now before the House; and he hoped the right hon. gentleman would reduce them into a more palpable and intelligible form before he pressed forward to that part of the business. Upon the whole, he was convinced, from the great complexity and variety of the charges in their present shape, it would be perfectly impossible, with a due regard to public justice, to bring the business to a conclusion in the present session; in which case, the best method would be, to prosecute the affair in the present session as far as propriety would warrant, and by an act of Parliament keep the proceedings alive until the next session, when they might be resumed, not *de novo*, but in the stage in which they had been left.

Mr. *Fox* remarked, that to his agreeable astonishment, at length the right hon. gentleman had thought proper to speak without reserve: if the charges were to be altered before they were to be referred to the committee, it was right the House should understand as much. The right hon. gentleman had said the charges could not go to the committee as they were: he was ready to say in reply, they must, if that House meant to preserve its character. The charges confessedly contained matter of heinous criminal offence in them; and it became the duty of the House to put the articles hereafter to be drawn in proper form and shape. As to his warmth and passion, Mr. Fox declared, that if to feel, when the character of the nation and the honour of that House became deeply concerned, were a crime, that crime was his. All he felt, all he had said on the subject, arose from his anxiety to rescue the British name from disgrace and infamy, to retrieve it in the eyes of India and of all the world. There might be those who could feel alive and alarmed when the least thing was said that touched themselves or their situations, but who could sit with perfect tranquillity and calmness when the miseries of millions were mentioned! He envied not their insensibility, he admired their apathy; but let the House recollect how nearly their own fame stood connected with the present prosecution. Let them recollect, that their conduct on this occasion would determine the opinion of surrounding nations, whether British honour, British probity, and British humanity, were but names, and a mockery of their meaning; it would decide whether our pretensions to a multiplicity of great national virtues were indisputably founded.

Mr. *Wilberforce* said, that the present subject was certainly of the highest national importance, and deserving of the most serious attention. If the charges were true, they contained enough of heavy criminal imputation, to rouse the feeling of every man in the House: he wondered not, therefore, that they should particularly warm the mind, and excite the passion of the right hon. gentleman who had stood forward as the principal conductor of the prosecution, because that right hon. gentleman had long studied the affairs of India; long before that House, generally speaking, knew any thing about them: and as he had, as it were, been brooding over them for years, it was natural for him to feel more poignantly respecting them, and to see the enormity that appeared to him to have been their characteristic in a more magnified point of view than any other person. Of that right hon. gentleman's head and heart, of his humanity and his abilities, his rectitude and his perseverance, no man entertained a higher opinion than he did; but though the right hon. gentleman's impetuosity and warmth were in some degree laudable and highly justifiable, still the same excuse would not apply to the passion and warmth of the right hon. gentleman on the opposite side of the way.

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His passion might perhaps pass upon the public for nothing more than a portion of that ordinary passion assumed and exhibited by him on every common subject of parliamentary debate: he wished, therefore, for the sake of national justice, and for the sake of the character and honour of that House, that the right hon. gentleman to whom he alluded would so far restrain his feelings, as to appear to conduct himself, on so serious an occasion, with the temper and moderation it so well deserved, and not make use of that as well as every other occasion, to throw out insinuations in prejudice of his right hon. friend. Mr. Wilberforce said, that in charges, which the right hon. gentleman who drew them had confessed to be full of explanatory and historical matter, there necessarily must be many redundant passages. Before, therefore, evidence was adduced to support the charges, he and many gentlemen must desire the superfluous parts to be omitted, and the facts to be drawn closer together. He expressed an anxious hope, that Mr. Pitt would persevere in the steady path he had hitherto pursued; that he would not be provoked by the intemperate attacks of gentlemen on the other side from doing that which was most likely to serve the purposes of substantial justice: it was his earnest wish that all his public proceedings might more and more strengthen his well-earned claim to the esteem and confidence of his fellow-subjects.

Mr. *Burke* said, that the hon. gentleman had used a proper word—he had been brooding over the affairs of India, and the charges upon the table were the eggs that had been produced—his wish was to nourish those eggs and bring them to maturity with a truly parental and prolific warmth, and not suffer them to become addled by quitting the nest like an ostrich, and letting them grow cold in consequence of the delay now suggested by those who appeared to him to be artfully desirous of destroying his eggs, defeating the birth of his progeny, and demolishing his whole brood. The conduct he was pursuing was common to all animals, to the highest as well as the lowest; to the creature man, the first work of God and Nature. It was his aim, in the labour they were witnessing, to bring forth justice; and he hoped, with the aid of the obstetric hand of that House, to complete the birth with perfect safety. What he had heard led him to fear, that it was intended to quash the prosecution; for it was evident, from the language of a right hon. gentleman, that one half of them was gone already: they were struck with the dead palsy as it were, and were to live no longer. In the course of the debate, three ways had been suggested, by each of which his charges were to suffer: first, a demurrer as to the form and shape of them had been stated by a right hon. gentleman high in office, who had declared, that they should not be tried in his court unless the form of them were altered: and next, they were to be defeated by the allegation and ratiocination of Mr. Hastings. It was a little extraordinary to complain of any part of his charges as irrelevant and superfluous, before it was known whether he should not produce evidence to support those parts, and prove them to be essentially relevant: and as to its being expected that he should take and alter his charges by changing their form, surely it was altogether a task improper to expect him to perform. What! was it to be thought that he should sit in judgment on his own acts, and mutilate their form? The hon. gentleman had said, they contained much of matter explanatory, and much of matter historical: he did not know that they contained a superfluous word; and as to historical matter, my lord Coke said, that history was evidence, and so it undoubtedly was; the courts in Westminster-hall admitted it to be so, and every man of sound sense must see, that in the nature of things it could not be otherwise. As to the idea of not proceeding farther till Mr. Hastings was heard, he verily believed, that alone would prove fatal to his charges; let the House therefore be cautious how they proceeded; they stood committed upon the occasion; and as his right hon. friend had well said, the honour and justice of the nation were in their hands, and depended on their present conduct. As to the failure of the charges altogether, by their own merits, it was impossible: they contained matter of original charge that nothing could overthrow or defeat. If the House, therefore, chose to crush the proceedings, the disgrace would be theirs and not his. He had done his duty, and, disabled as he might be, he should persevere, and while a single spark remained he would blow up the embers and keep that single spark alive. He should bring forward his charge concerning the Rohilla war first of all; and in doing so, he should prove, that such a people as the

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Rohillas had existed; that they had been a flourishing and an orderly people; and that they were extirpated through the means of Mr. Warren Hastings.

Mr. *Bearcroft* expressed his surprise, that the right hon. gentleman had given way to passion, and compared himself to an old hen brooding over her eggs, and ready to flutter and peck at every person that came near her nest. The present proceedings bore no analogy to the proceedings of the courts below, or of grand juries: in finding bills of indictment, the latter rested solely on *ex parte* evidence; that was not the case there; the House was bound to act with the greatest possible degree of temper and coolness, as they were employed in the exercise of that peculiar function which entitled them to be considered as the grand inquest of the nation. In the progress of a prosecution of the most serious importance, certain charges had been laid before them by a member in his place; and they had that day received a petition from the accused, desiring to be heard upon the matter in those charges: why the request was made, lay wholly with the discretion of the accused; but, as the House had thought it right to grant the prayer of the petition, the same reasons which had induced them to grant it, must operate to induce them to hear the accused before they proceeded one step farther in the business. He begged that this argument might be examined, when it would be found to be unanswerable. What Mr. Hastings might think proper to suggest might convince the understandings of the House, that the form of their charges was irregular, as well as that many parts of them were irrelevant; Mr. Hastings might say, "These facts are true, but my situation was a very uncommon one; and though these facts would have been highly criminal in any other person, they were not so in me." Again he might say, "Before you proceed to deduce criminal conclusions against me, examine the whole of my conduct, and strike an equal and a fair balance, and see if the good I have done the kingdom upon the whole does not outweigh the demerits imputed to me in such and such particular points." He stated other arguments of an extenuating nature that Mr. Hastings might urge, and others again that would most probably operate on the minds of the House, and induce them to forego the rigour of the prosecution, and treat the object of it with greater lenity.

Mr. *Hardinge* said, in reply to his learned friend, that he differed with him in his conclusion, because he had by his own argument proved, the time of proceeding upon the evidence a point of absolute indifference to Mr. Hastings. He had stated as the main ground of his vote, that Mr. Hastings would perhaps insist upon the general view and balance of the account in his political character, as inclining the House to his acquittal of particular charges, which might be sufficiently verified and strong in themselves. Upon that idea he had made a very excellent speech for Mr. Hastings: "Now," said Mr. Hardinge, "I give to Mr. Hastings the full benefit of that speech, if I call some of the evidence to-night and hear him on Monday pursue this line of argument." But he could not help adding, that, for one, he believed the House would not again endure such a defence, or agree to exempt a culprit from punishment, if convicted of a high political misdemeanor, because he had this kind of political set-off in his favour. That when he was a listener in the gallery, he well remembered the effect of that plea upon his mind, artfully and successfully urged in the defence of another great man, whose impunity resulting from it, had, in his firm opinion, tended more to Indian disorders than any one other act which could be cited. That upon that impunity, the noble lord in the blue ribband, the right hon. general over against him (Burgoyne), and the Rockingham party, would settle accounts—That it was that famous party who first broached in the House this pernicious doctrine, which he had always reprobated, and would never cease to reprobate, when he should hear it resumed, he little cared by whom. Another ground for hearing Mr. Hastings before any evidence against him should be delivered, was this—Mr. Hastings, it had been said, could satisfy the House, that their proceedings were injurious to him, as being ill constructed in the form of them, irrelevant, or obscure. His answer was this, that with his consent, Mr. Hastings never should be heard with any effect upon that ground in this period of the inquiry concerning him.—As the obscurity had been mentioned, he would say a word upon that subject. The right hon. gentleman (Mr. Pitt) had said, that he could not, with a safe conscience, permit evidence to be heard upon charges drawn in so complicated a manner. Mr. Hardinge

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replied, that in the main those questions appeared perfectly intelligible to him, and what the right hon. gentleman over against him had said (Mr. Fox) had not, in his judgment, received any thing like an answer; namely, that the single question upon these charges would be, whether out of them could be extracted a sufficient ground for an impeachment: that if that question were determined in the affirmative, it would be for the House to form articles more technical and definite.—That another ground for hearing Mr. Hastings before the evidence proceeded, had been, the idea of such information as he would give to the House to enlighten their general view of the subject, and guide them in examining the evidence—against this, too, he should protest, as a topic inadmissible to Mr. Hastings upon such an inquiry into his own conduct prior to any legal charge which he could be called upon to answer.—That it might be said, no other topic was left him, by his (Mr. Hardinge's) way of reasoning; but he denied it—That Mr. Hastings might be desirous to be heard, for the purpose of counteracting, by his own state of the subject, those general impressions which he might conceive that such a charge would make to his prejudice—That whatever might be his view in desiring to be heard, the House ought to hear him, not as a point of right in this proceeding, but from that lenity which even prior to the question of a legal charge his critical situation attracted—That though the House could see no possible end of public justice in hearing him, they should not refuse his request. But if they agreed with Mr. Hardinge, that he could not be heard with effect so as to interfere with the course of the evidence, that evidence ought to proceed, though the House would still hear Mr. Hastings upon the matter of the charge as soon as he could be ready to be heard.

The House divided:

Tellers.

Yeas	Mr. Francis - - - - Mr. Anstruther - - -	80
Noes	Lord Mornington - - Mr. Rose - - - - -	139

It was then agreed that Mr. Hastings should be heard on the ensuing Monday, at the bar of the House.

May 1. The order of the day was read, for hearing Mr. Hastings, on the matter of the several charges of high crimes and misdemeanors presented against him. Upon the question being put, Mr. Hastings was called in, and addressed the House in a short speech, in which he stated, that he considered his being allowed to be heard in that stage of the business as a very great indulgence, for which he begged leave to make his most grateful acknowledgments to the House; and as his wish was to deliver what he had to say in answer to the charges that had been presented against him, with a greater share of accuracy and correctness than he could pretend to in an extemporaneous speech from memory, he had committed his sentiments to writing, and hoped to be permitted to read them.

The *Speaker* told Mr. Hastings, he might certainly assist himself by any paper that he thought proper to refer to. Mr. Fox, Mr. Burke, and many other members said by all means.

Mr. *Hastings* then began with reading a paper containing general observations on the nature of the charges against him, and the manner in which they had been brought forward, stating among other things, that he had left India amidst the applauses and grateful acknowledgments of those over whom he had administered government, and had received the unanimous thanks of the Court of Directors at home for his thirty-five years services; and therefore having had such testimonies of his having acted agreeably to those for whom he had conducted the administration of the government of India, he had supposed no other person could have urged an accusation against him, much less have charged him with divers high crimes and misdemeanors before that House, with a view to make those charges the grounds of an impeachment before the House of Lords. He had lately, however, learnt much more than he had dreamt of in his philosophy, and was ready and prepared to meet the accusations, such as they were, and urged in the manner that they had been against him: but he begged the House to recollect that the charges came unobtruded upon them by him or any person authorized by him; he had been for five years together the object of daily menace, attack, and invective; and, therefore, that the threat of parliamentary vengeance might not hang for ever over his head, especially at a time of life when, after his hard services, he might be thought desirous of courting repose, he had called

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upon his accuser to come forward with any specific charge he had to urge against him, in order that he might meet it with a specific answer, and thus put the matter in issue fairly and fully. He said, he had been sent out to India a mere school-boy, and had held situations there of so much power and difficulty, that it was more than he could presume, that with a judgment so deficient as his own, repeatedly thwarted and opposed as he had been, and standing without the benefit of that salutary advice and powerful assistance at hand, which those who held the reins of administration at home constantly enjoyed, there might not have been much of error in many parts of his conduct; all that he could claim was, a steady endeavour so to administer the government of India as to make it a source of advantage and benefit to the Company at home, and of ease and happiness to those who lived under it abroad. That he had so done, he could afford ample proof; indeed, it might be established sufficiently by the evidence of those witnesses his accuser had summoned to give their testimony in support of the charges against him. Mr. Hastings said he was aware that by thus standing forward, he might furnish proofs of his own misconduct; but if the truth was desirable to be known, he thought it better to be himself the speaker of it, even though the result should be, that it should tell against him. After an exordium to this tendency and effect, he proceeded to make Answers to the several Charges against him, which, he said, were made up, in some instances, of misrepresentations of facts; in others, of false reasonings upon them; in many, of partial and mutilated quotations from public letters and records; and the whole drawn up in such an artificial arrangement of phraseology as to convey to the undistinguishing eye imputations of so heinous a nature, that the man who could have been guilty of them, would deserve not only to forfeit his honour and his reputation, but his life. He trusted, however, he should be able to satisfy that House and the world of his innocence, and to prove beyond a doubt, that he was not the criminal, he had been repeatedly described to have been within those walls.

Mr. Hastings produced separate and distinct answers to each of the several charges, some of which he read himself, others were read by Mr. Markham, Mr. Hatsell, and Mr. Ley. They had proceeded as far as the Answer to the 16th Charge, when it being 11 o'clock, Mr. Pitt rose and said—As the evening advanced, and Mr. Hastings had given the House to understand, that there still remained behind Answers to some of the Charges, one of which went into considerable length, he thought it advisable to move the question of adjournment then, proposing to hear what Mr. Hastings had to offer, early the next day.

This motion was agreed to.

May 2. Mr. Hastings appeared again at the bar, and replied to the 14th, 17th, 18th, 19th, 20th, and 21st, Charges. After which it was ordered, That such a number of Copies of Mr. Hastings's Answers be printed, as shall be sufficient for the use of the members.

Mr. *Burke* declared his satisfaction, that the motion just made had been agreed to. As to the defence they had heard, if he had not been perfectly well acquainted with the style of the author of it, from having attentively employed some years in the study of his works, he might perhaps have wondered at the request, that such a paper as had been just presented should be desired to be put on that table; but equal justice was certainly what it became that House to distribute. He wished, that not one word should fall from him or any other member, at that time, respecting the defence they had heard; but that the House would take the whole proceeding into their most serious consideration, and make every part of it a matter of grave and deliberate judgment; for which reason he would proceed immediately to call and examine the witnesses in support of his charges, and would begin with sir Robert Barker, whom he meant to interrogate respecting his first Charge,—that on the subject of the Rohilla war.

Sir Robert Barker was then called to the bar, and examined touching the Rohilla war.

Debate in the Commons on the Bill for the Reduction of the National Debt.] May 4. On the order of the day for going into a Committee on the Bill for the Reduction of the National Debt,

Mr. *Sheridan* rose and signified his intention of moving to postpone the question till that day se'nnight, and if he should be so successful as to prevail on the House to agree to that proposition, he should

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then move certain resolutions grounded on facts, statements, and calculations to be found in the report of the committee on the public revenue. A plan for paying off the public debt had been published by a noble earl (Stanhope) no longer a member of that House, and whose absence he had to lament upon that day. The noble earl's plan appeared to him to be far preferable to that of the Chancellor of the Exchequer, which was founded altogether on the report to which he had alluded. It was not his purpose to enter into any argument respecting the principle of the present Bill, or to discuss the propriety of applying the surplus supposed to exist, in the manner therein provided: what he meant to go to was, the examination of the great and important question, whether there actually existed any surplus at all? To that point he wished to draw their attention. The diminution of the public debt and the gradual alleviation of the public burthens, were matters well worthy their deliberate attention. In setting about such a business, however, plain dealing was first of all indispensably necessary: above all things, it behoved that House not to deceive themselves, to gloss over nothing, to avoid nothing that told against the desired purpose, but to convince the world not only of the spring and vigour of the national resources, but that the Parliament had spirit and stoutness of mind enough, to dare to look the real situation of the country in the face.

Under this impression it was, and not with any despondent ideas of the national resources, that he meant to call their attention to the Report on the table; and he conceived, that he should be able to prove, that it was drawn up upon erroneous principles; that it was replete with mistaken calculations; that the committee had acted under a delusion; and that the effect of the whole must be fallacious, and not to be relied on, as the ground of a proceeding of so serious and important a nature as a bill containing and enacting a plan for the gradually paying off the national debt. When he said this, he begged leave once for all to be understood, as not meaning to convey any imputation whatever on the gentlemen who composed the committee; they had acted, he was persuaded, on honourable principles, and had rather given way to delusion themselves than meant to deceive or mislead the House. But meaning, as he did, to object to the report, and to disprove its statements, he must take the liberty of declaring, that he thought the formation of the committee highly objectionable. The Chancellor of the Exchequer had gone the length of avowing, that he should not be ashamed to deliver lists of his own friends to be balloted for to form such a committee; and therefore he might be allowed to suppose, that some of the right hon. gentleman's influence was exerted in the selection of the gentlemen who were returned by the ballot. Such a committee, so appointed and chosen, he thought extremely improper; because, as every part and party in the House, however they might differ as to the best means of paying off the national debt, were undoubtedly agreed in their opinion, that it ought to be set about as soon as possible, he should have imagined, that on such an occasion, a fair and impartial committee, composed of men of different sentiments, and men who were as likely to draw out the dark side of the question as the light one, would have been the sort of committee best adapted to the occasion.

Mr. Sheridan now proceeded to examine the committee's Report, the favourite object of which appeared to him to be, to hold up the measures recently taken by the minister of the day for the prevention of smuggling, as the great and principal cause of the supposed increase of the public income. The committee in the exordium of the Report say, "The large amount of the taxes proposed since the commencement of the late war, in addition to the then subsisting revenue; the difficulties under which the different branches of our commerce laboured during the continuance of that war, and the great and increasing prevalence of smuggling, previous to the measures recently adopted for its suppression, appeared to your committee to render any averages of the amount of the revenue in former periods in a great degree inapplicable to the present situation of the country." The very reverse of this reasoning ought, in his mind, to have prevailed; and the committee would have done much more wisely to have stated the averages of the amount of the revenue, and of the expenditure of it, in former periods, because as the Report stood, there appeared a statement of the present receipt, to which was opposed not the present expenditure, but the expenditure that it was supposed would be the expenditure of the year 1791: where, Mr. Sheridan asked, was the difficulty,

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since peace was no new situation to this country? The mode of stating the present receipt, which happened to be remarkably high and favourable, against the probable expenditure of a year at so great a distance, was a mode directly contrary to that ever before resorted to, as the best means of getting at the true situation of the country, and the reverse of what had been the conduct of a near relation of the chairman of the committee (Mr. Grenville), who, at the close of the late war, came forward with a plan, in which he had expressly declared, that he did not think himself at liberty to take the receipt of the current year, as that was the year immediately after the conclusion of the peace, and of consequence a larger one than usual. He denied that the reasoning of the right hon. gentleman on the present produce of the revenue paid into the Exchequer, had been just or correct: the mode of argument resorted to by the Chancellor of the Exchequer, to prove the increasing receipt, had been, by comparing one quarter with another, and inferring, that in proportion to the excess of one quarter over another, so would be the excess of one year over another: that sort of argument he considered as weak and fallacious; and the last quarter's receipt proved it.

Of the excessive amount of our taxes and public debts, concerning which he might perhaps think rather singularly, he should not hesitate to declare, that such an immense burthen was thereby imposed upon the country, that it became almost impossible for that House, on any occasion, to withhold the supplies: so much, indeed, was mortgaged to the public creditor, that it could scarcely be done without creating an alarm of a nature extremely injurious to the national credit; and therefore, if it was to do over again, he, for one, should oppose the entering into any bargain with the Crown for the grant of a stipulated civil list revenue, since that, added to the other circumstance, fettered that House in its votes, and in so much took away from their rights. If, therefore, the right hon. gentleman was correct in his plan, he was fighting not only for the revenue, but for the constitution of his country, which was certainly very laudable. Mr. Sheridan contradicted the favourite position of the committee, in their Report, that the recent increase in the receipt of the revenue, had been owing to the measures lately taken to prevent smuggling. He mentioned sugar and several other articles to prove this assertion: indeed he knew not how those measures could in any respect be said to have tended to the increase of the revenue, unless it was in the effect of the commutation tax; and so generally admitted at this time was the perniciousness of that measure, that he supposed they should hear some alteration of it proposed even during the present session, since no man need do more than look at the very sensible pamphlet written by Mr. Rous, to be convinced of the absurdity of that tax; which tended to send such immense sums out of the country in a trade, which in point of export had before been greatly against us. Mr. Sheridan took notice also of the pamphlet of Mr. Baring, styling him a man high in situation at the India-house, and who boasted in his writings that he enjoyed the confidence of ministers. Mr. Baring professed to be the advocate of the tax; but his arguments appeared to tell the other way, and that very forcibly; for what could be more self-evident, than that it was in the highest degree impolitic to encourage the import and use of a foreign luxury, the introduction of which was carried to such an extent in consequence of the commutation tax, that according to Mr. Baring's account, four millions of money would be wanted of the public to enable the Company to carry on the trade. This, he believed, was an over-statement; as doubtless, 1,400,000*l.* would do; but that sum the Company must borrow of the Bank, and the public be the security, which was exactly the same as if they had lent it themselves. He objected to the statement of the produce of that tax, and said, that the committee had taken credit for matters which could not be reckoned any more after they had been once received, as they would not be paid again.

Some false calculations had arisen also in respect to the game duties, the post-horse-tax receipt, glove-duty receipt, the duty on medicines, the shop-tax, and the tax on attornies. Indeed, a considerable sum might be deducted from the total of their several amounts of produce; and so much ought to be taken from the calculated receipt in the report, because it had been erroneously assumed. The inefficacy of the glove-tax, might prove the futility of every one of the same sort, which could never be made productive but by means so arbitrary that the House ought not to agree to them. At present, the glove duty

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was so generally evaded, that almost every man who purchased a pair of gloves, would consider it as a species of shoplifting to take the stamp out of the shop with him. The system of extending taxation by stamps, to such articles as the principle of a stamp duty would not apply to, was absurd in the extreme: stamping law proceedings and other documents, was a good idea; the stamp gave a weight, a sanction, and an authority, where so applied; but could that be said of gloves, or of all the trumpery of a perfumer's shop to which they were now about to extend stamp duties? would a stamp legalize pomatum, or give validity to lavender water? With regard to the proposed tax on hair-powder, the right hon. gentleman had borrowed it from a noble friend of his (the earl of Surrey), who had paid his contribution to it by suggesting and proposing the obnoxious tax. What a vast number of years had they to look forward, even admitting that the committee had been founded in all their arguments, before the completion of their wonderful designs; the present members of the House would be departed, and their political existence terminated! They, the old grey-bearded stewards, who had rack-rented the tenants, distrained their goods, and levied executions, would be then no more, but would have left the new parliament like a young heir, to come into possession of a clear unincumbered estate. The committee had indeed taken their average, in respect to the article of malt: an hon. baronet had observed, that a great number of Exchequer-bills were out, and that disadvantages would arise from that circumstance in case of any sudden emergency; adding, that when a noble lord (North) had only 1,800,000*l.* out, he paid off 700,000*l.* out of the number. To prove that the receipt would increase under the different heads or articles, it seemed sufficient to remark, that in every one of the reasonings a proviso was foisted in, and that in fact your "if," was your only surplus maker. With respect to the navy expenditures, the paper signed by an hon. baronet (Sir C. Middleton) was a voucher that seemed unwillingly to speak the truth. He declared, that he thought 1,800,000*l.* for the navy establishment, was putting it too low, even for a year of peace: he reminded the House, that our situation was different now from what it had been at the end of the war before the last: we could then rest in security with a much smaller naval force than was now necessary for our protection: the national glory and honour were at that day sufficient guards for the kingdom: now, alas! our situation was different; though our efforts had been wonderful during the war, still it was to be remembered, that we had proved unsuccessful; we required therefore a stronger navy than was before deemed necessary. When the system of fortification lately proposed was reprobated, the House would recollect, they were all agreed in the premises, that it was right to protect the dock-yards, but they deemed the conclusion drawn from those premises to be false; and when it was proposed by the noble Duke at the head of the Ordnance, to defend the dock-yards by a new-fangled mode, that mode was rejected, and it was determined to defend them in the old-fashioned vulgar way, by a strong navy. He, at the time, and he believed many other gentlemen expected, that though they had refused the money asked for fortifications, some of it would be applied to strengthening our navy: the navy estimate was too low for a peace establishment, the situation and circumstances of other states considered. Objectionable also was the idea of calling out but a third of the militia, and glaring the impolicy of disgusting the country gentlemen upon a subject with which they ought always to be kept in humour; as it was upon their taking commissions in the militia, that its respectability, its constitutional essence, and its true character, depended.

France might assign an excellent reason for disbanding a part of her army: strengthened by alliances, she might rest secure with a small military force: nay, the French ministers would be justified, in advising their monarch considerably to reduce the navy, because they might well say, "Holland is connected with your Majesty as an ally, and the navy of Holland is in effect your navy." But far different was the case with us; we might almost be described to have but one foe, and that the whole world; while we were scarcely in alliance with our own empire. There were many expenses which probably would come on the public before the year 1791, of which the committee had not taken the least notice in their Report. Although the fortifications proposed had been rejected, yet every body knew, that some fortifications there must be. They consequently would cost some-

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thing. Another expense was the civil list; for it was pretty generally understood, that his Majesty stood in need of the whole 900,000*l.* for his own expenditure. It was idle, therefore, to shut their eyes against the necessity of an increase; the establishment of the other branches of the Royal family, particularly the establishment of prince William, who could not be expected to live upon a captain's pay, and certain events which might take place in the family (if alliances with virtue and goodness were desirable), would prove that necessity. There was also another reason which he had mentioned once before, and that was, the increase of the income of the Prince of Wales, which must be soon attended to. A third was a subject which he was sorry to see had so far changed its impression on their feelings, that though the bare mention of it used to call forth all their sensibility, it was now heard with the coldest indifference; he meant the American loyalists; men to whom the faith of parliament was solemnly pledged. These additions to the expenditure, added to various others, amounted to 4,000,000*l.*, to pay which, he saw nothing in the Report but army savings that could be depended on. As to lotteries, which were represented as the boasted means of resource, these were, in his mind, the most profligate and pernicious, and at the same time the most disadvantageous means of raising money which could be resorted to. With regard to the public accountants paying in their balances, he imagined there was not any great sum to be gained that way; at least the right hon. gentleman must be aware, that there was also money to be paid back again by the Exchequer, so that probably the balance between the two could not be very large.

The idea of the unclaimed dividends at the Bank, the House would recollect, had been treated with derision in a former debate, and were not to be counted upon; and as to the crown lands, they ought not, in his opinion, to be regulated or disposed of without the especial consent of the Prince of Wales. With respect to insuring the due collection of taxes, that was a fair object, if fairly managed: but he had heard of some regulations to be proposed relating to a particular branch of commerce, which were so arbitrary and despotic, that if they passed, the revenue might be said to make war against the constitution. And what were the means whereby the sum wanted to commence the plan with was to be had? At present it was clear there was no surplus; and the only means which suggested themselves to him were, a loan of a million for the especial purpose: for the right hon. gentleman might say with the person in the comedy, 'If you won't lend me the money, how can I pay you?' To that means perhaps it would be best to resort; but certain he was, that to rely upon the Report on the table, and to proceed with a bill founded upon such fallacious principles and such erroneous reasoning, would be the height of rashness and presumption: it would be trusting too much to chance; and would ill become that House to countenance such conduct if the right hon. gentleman were himself imprudent enough to risk it: if he did, he would act like a schoolboy, who, for the sake of getting at fruit, grasped at the first branch which he could reach, and not only pulled down the unripe fruit, but destroyed also the blossom, the bud, and the bough, the hopes of a future crop. Mr. Sheridan having gone through the whole of his argument upon the Report, produced a string of Resolutions which, he said, asserted undeniable facts, and therefore could not be negatived: if, however, any gentleman should move the order of the day upon them, he would move them again during the course of the ensuing day.

Mr. *W. W. Grenville* observed, that from a conviction that the hon. gentleman's propositions would prove groundless, he should meet them with a determined negative. He could not follow the hon. gentleman through the whole of every part of his argument, nor could he pretend to enliven his speech with turns of wit and pleasantry; he had not the talent which the hon. gentleman so happily possessed, of making even a dull subject entertaining; but he would take notice of the chief of his objections to the Report. With regard to what the hon. gentleman had said, in objection to the manner of forming the committee, he felt not the force of it; exclusive of its being the duty of every man religiously to adhere to truth in all situations, he had felt it his duty to do so on an occasion in which the first interests of the country were so deeply concerned. He believed every one of the committee had felt this; and sure he was that he had felt it himself, and had endeavoured, by the most sedulous attention to the subject, to make himself master of it, and to be able to communicate to the

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House calculations founded on certain and indisputable principles. He was persuaded that he had done so, and that the Report was to be depended on. Conscious of this, he had been somewhat surprised at hearing objections stated to it soon after it had been laid upon the table. The hon. gentleman had given notice long since of his intention to go into a discussion of its contents. He had waited for this discussion under some violence to his patience till that hour; and had seen the hon. gentleman rise and put it off day after day, week after week, and he believed he might say month after month; for it was on the 16th of March, that the hon. gentleman had signified his intention of animadverting upon it. He was happy, however, that the day was at last come; and the more especially, as after all the time which the hon. gentleman had taken, and all his ingenuity and talents, he had not been able to disprove the calculations, or to obviate the reasonings contained in the Report.

The hon. gentleman had alluded to a person extremely dear to him on every account (Mr. Grenville), who had been alluded to by an hon. baronet in a former debate: the hon. baronet had mentioned a pamphlet universally believed to have been written under that person's inspection. At the time of writing the pamphlet Mr. Grenville was in no office, and had not the means of getting at the facts in question with any accuracy. The hon. gentleman had magnified and misrepresented the fact: he had stated Mr. Grenville as coming down to that House, and opening a plan for a peace establishment; the fact was not so. Another thing the hon. gentleman had said was, that he expected some alteration would be proposed during the course of the present session in the commutation-tax. He knew not to whom the hon. gentleman alluded, or who it was that he expected would come forward with any such proposition: he believed that no such intention was entertained; but if any attempt should be made, either to repeal the commutation-tax or to alter it so as to abandon its principle, he pledged himself to oppose any such attempt to the utmost of his power: being convinced that the measure was salutary, and that it had already answered its end. In justification of the committee avoiding to take an average of several years income, he should now beg leave to read the following passage, from the exordium to the Report, which the hon. gentleman had omitted to notice, and which he conceived to be an ample justification: "On the other hand, they did not think themselves competent to discuss the various contingencies which may in future operate to the increase or diminution of the public income. A revenue so complicated in its nature, and depending so much on the various branches of an extensive commerce, must always be liable to temporary fluctuations, even although no circumstances should arise to occasion any permanent alteration in its produce. Your committee have therefore judged it proper, to submit to the wisdom of the House this extensive consideration, and to state in this Report the present amount of the public income, as resulting from the papers before them."

Not in any one of the objections had the hon. gentleman been founded, excepting only in regard to the produce of the medicine duty, which he was ready to admit had been overcharged to the amount of 10,000*l.* out of 30,000*l.* In regard to several other objections, the hon. gentleman had not reasoned fairly, or with that candour to which the committee were intitled; and particularly, in respect to the assessments upon the window tax, the surcharges and the discharges. With respect to the post-horse tax, and the game-licence tax, he had not correctly represented the Report. The reason why, in the average of the malt-duty produce, they had omitted one year, was, because it was notorious that this year had been a year of famine. Would any man, directed to take the average of the insurance of houses or lives in the metropolis, include either the fire of London year, or the year of the plague? They had not included the last quarter in their average, because it was impossible for them so to have done before the quarter was complete, and the papers were made out: if they had done so, instead of 2,600,000*l.* the amount would have been 2,850,000*l.*, so that he should have had 250,000*l.* surplus to set against the overcharge on the medicine duty, or any other trifling error.

Mr. *Beaufoy* said, that he felt it his duty to exculpate himself from the accusations brought against him by the hon. gentleman, in common with the rest of the members that composed the committee. Had the committee been guilty of the conduct imputed to them, they would have but little consulted either

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their own honour or that of his right hon. friend, to whose wishes they were charged with having shewn an unfair partiality in their Report. The committee had, he flattered himself, acted in the only manner in which they were bound to act; and the hon. gentleman had taken a great deal of pains, to bring a censure upon them for restraining themselves to the limits of the inquiry committed to them by the House, and had complained of them for not going into inquiries on subjects that were entirely foreign to their instructions. But the fact was, the committee had so completely fulfilled their duty, that the hon. gentleman could find no complaint against them without going beyond the limits to which their duty restrained them. The hon. gentleman had attempted to speak lightly of the success which attended the measures adopted for the suppression of smuggling; he himself admitted, that when compared to the farther success which might be expected from it, he was of his opinion. Of the Commutation-act he still retained his original sentiments, fortified and confirmed by experience; and as to the hon. gentleman's objections, that it had tended to increase the consumption of a foreign luxury, that, he observed, was by no means the point of view in which it was to be considered: the consideration ought to be, whether that article of luxury ought to be brought into this country by English seamen or by foreigners and outlaws; whether it ought to afford a profit to the East India Company or to the smuggler? He stated several improvements which had already taken place in the duty on spirits, in which, on the home distillery, there had been an increase of above 100,000*l.*; and in the importation, of 150,000*l.* He went into the whole system of the revenue, pointing out not only the improvements which had been made, but those still within our reach, paiticularly so soon as the Legislature had opened its eyes to the absurdity of employing persons in offices of great trouble and temptation without a salary adequate to the comforts, or even the support of life. Upon the whole, so far was it from the truth, that there was no stress to be laid upon any prospect of farther advantages from the suppression of smuggling, that in fact, the benefits already derived from it were by no means to be compared to what might be expected from farther exertions. Too unjust, and consequently too severe, were the insinuations made by the hon. gentleman (Mr. Sheridan) against the committee; and he flattered himself that he by no means deserved any share of reproach for his public conduct: he did not employ himself in delivering florid harangues, or attempt to display any splendid talents for the admiration and entertainment of the House; his principal object was, by close and assiduous inquiry and investigation, to furnish the means of real advantage to his country, by improving her commerce, and increasing her revenue.

Mr. Sheridan suffered the motion to go without a division. The House then resolved itself into a committee, and went through the several clauses. After the House had resumed,

Mr. *Sheridan* moved the following Resolutions:

1. "That the expected annual amount of the national income, stated in the Report of the Secret Committee appointed to inquire into the public income and expenditure, appears in no respect to have been calculated upon the average receipts of the number of years, but is estimated upon the produce of one year only, and fixed at the amount of the same, with the addition of the probable increase upon the new taxes. 2. That it appears that the account of the annual expenditure, as opposed to the amount of the public income so calculated, is not a statement of the present existent expenditure, or of that which must exist for some years to come, but is formed from the probable reductions which it is alleged will have taken place towards the end of the year 1791, in the prospect of a permanent peace. 3. That the different branches of revenue, in the period upon which the future is calculated, appear to have been singularly productive, particularly in the customs, and greatly to have exceeded the amount of the preceding year, with which alone it is contrasted. 4. That it does not appear that any means were taken, nor information called for, nor any examination entered into by the said committee, in order to ascertain whether such increase of revenue had arisen from causes which were likely to have a permanent operation, or otherwise. 5. That such an investigation is indispensably necessary before this House can, with confidence, calculate, by the produce of one year, the supposed future amount of the public income. 6. That the uncertainty of estimating, by such a criterion, the expected future pro-

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duce of the revenue, is still more evident, upon a comparison of the quarter ending the 5th of April last, with the same quarter in the preceding year, upon which the future income is calculated; by which comparison it appears that the amount of the latter quarter is inferior by the sum of 188,215*l.* 13*s.* 4*d.* in the branch of the customs, to the former. 7. That in the said Report there are certain articles of receipt erroneously stated, as proper to be added to the future annual income, and other articles of expense erroneously omitted to be added to the expenditure. 8. That the sum voted, and to be voted, for the service of the year 1786, including the interest and charges of the public debts, considerably exceeds the sum of 15,397,471*l.* 9. That the means by which the deficiency is to be made good, arise from aids and debts which belong to the present year only. 10. That there is no surplus income whatever applicable to the reduction of the public debt now existing. That a surplus of income in the ensuing quarters can arise only by the renewal of a loan for an extraordinary million, borrowed upon Exchequer-bills in the last, and charged upon the supply of the present year, and which loan it would be unnecessary to make but for the purpose of procuring the said surplus. That any extraordinary increase of Exchequer-bills, contrary to former practice in time of peace, is an inexpedient anticipation of that assistance which the Government might receive in the case of any circumstance rendering it necessary to strengthen the state of our national preparation. 11. That the saving to the public upon the interest of money borrowed in this way is rendered improbable or precarious by the necessity which will arise for the more speedy issuing such bills, in order that the object for which the loan is made may be punctually and effectually answered; nor even, should such saving accrue, will it compensate for the disadvantage above stated. 12. That admitting that, by the foregoing means, the expected surplus will arise upon the three quarters next ensuing, and that thenceforward one million annually is to be applied to the reduction of the debt, it appears that there will then be an interval of nearly four years before the commencement of that permanent peace establishment, which is to furnish, in the reduction of its services, 900,000*l.* of the expected million surplus. 13. That in this period it appears from the vouchers annexed to the said Report, and other papers before this House, that a sum, amounting to 4,010,000*l.*, besides two millions due to the Bank, making together the sum of 6,010,000*l.* will be deficient and wanting, over and above the stated annual income. 14. That for this sum of 6,010,000*l.* there appears to be no adequate provision or resource."

The motions were all negatived.

May 12. On the order of the day for reconsidering the report of the National Debt Bill,

Mr. *Fox* rose to move a clause, which he thought would conduce to the improvement of the Bill. His great objection had been to the making the Sinking Fund to be created by the Bill unalienable in time of war from the purpose of paying off the debt, and the objection rested on the difficulty the country might be thereby thrown into in consequence of being obliged to make a new loan. What he should wish, therefore, was, that whenever a new loan should hereafter be made, the minister should come forward, and not only propose taxes that were efficacious and productive to pay the interest of the loan, but also sufficient to make good to the Sinking Fund, what should have been taken from it, and likewise to empower the commissioners to accept the loan, or so much of it as they should have cash, belonging to the public, in their hands to pay for. Mr. Fox explained this latter part of his object by stating, that he meant that if, when a new loan of six millions was proposed, there should be one million in the hands of the commissioners, in such case the commissioners, should take a million of the loan, and the *bonus* or *douceur* upon that million should be received by them for the public; so that in fact the public would only have five millions to borrow. Having expatiated for some little time on the benefit and advantages that would accrue to the public from this plan, and stated that he had shewn his introduced clause to the Chancellor of the Exchequer, who approved it, and thought exactly as he did on the subject, and that the Bill so amended would be a good precept to posterity to follow up in example, Mr. Fox brought up the clause empowering the commissioners, in case of a new loan, to take as much of it on behalf of the public, as they had money in their hands to satisfy.

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Mr. *Pitt* declared, that he felt a singular degree of satisfaction in rising to give his hearty concurrence to the motion of the right hon. gentleman; and he hoped he would excuse him if he declined at present entering into any discussion of what might have been the grounds of former differences of opinion on the subject of the Bill, while it remained a matter of speculation; it was enough for him, that in the carrying the measure into practice, they were both agreed. He was peculiarly happy to find a motion of this nature come from the right hon. gentleman, because it proved to him that the idea he had entertained of the right hon. gentleman's opinion on the subject was an erroneous one. He had, he confessed, imagined that the right hon. gentleman objected to the principle of making the fund unalienable, on grounds much less liberal and politic than those on which it now appeared his opinion rested. He apprehended that it was the right hon. gentleman's principle that the whole of the fund, as well the annual million as the accruing interest, should be liable at all times of difficulty to be applied to the current service. Supposing this to be the sentiment of the right hon. gentleman, he could not but disagree with him, as he thought in that case there would be but a very remote prospect of ever being able to accomplish the end for which the fund was to be instituted. But whatever might be his objection to such a principle as this, he could, he said, have none to that which dictated the present motion. He pointed out the advantages that might result from such a clause in the Bill in time of war. He supposed a six million loan was to be necessary, and that the commissioners had to receive for that year, two millions, it would follow that only four millions would be necessary to be raised by subscription, by which means there would be a saving, not only of the *bonus* on the two millions to be supplied by the commissioners, but of a considerable part of the *bonus* on those four millions that were to be subscribed, because Government having a resource for so large a part of the whole sum would be less in the power of the monied people, and would of course be able to conclude a bargain on more easy terms. Such a method of applying the money in the hands of the commissioners, would be a means of preventing the actual increase of the debts due to the public creditors, because it would literally be a loan borrowed by the state from itself, and there would be no additional burthen except merely what was necessary to pay the interest of it. In another point of view, he also highly applauded the principle of the clause, inasmuch as it had a strong tendency to fortify and give stability to the whole institution. The chief apprehension that could arise in the minds of those who wished well to this institution, was, that it might afford a temptation to future ministers, in times of distress, to apply the fund to the exigencies of Government, in order to relieve themselves from the painful necessity of doing their duty in raising the supplies. Now, this amendment would be a means of preventing any such temptation, because, without interfering with the main purpose of the establishment, every advantage that could result to a minister by diverting the money to the current services might be obtained. He joined with the right hon. gentlemen in hoping that posterity would take an example from the present moment, and persevere in the perfection of that object which was now begun; and he thought it no inauspicious omen, for the ultimate success of the plan, that its propriety and necessity had been so obvious as to overcome the spirit and prejudice of party, and to create an unanimity and concurrence of sentiment in persons, who, he was sure more from accident than inclination, were in general of different opinions; and what was still further remarkable was, that this unanimity was chiefly conspicuous in a part of the business, which in his opinion seemed principally calculated to secure permanence and stability to this great and most desirable institution.

Mr. *Fox* explained what his former argument had been, and shewed that he had been uniform in his objection to the Bill as it originally stood; altered as it was, he considered it as much improved.

The clause was read and agreed to.

Debate in the Commons on the Wine Excise Bill.] May 5. The order of the day being read for going into a committee to consider of the duties upon wine, the House resolved itself into the said committee.

Mr. *Pitt* said, that the House were already in possession of the general idea, which was to transfer a part of the present duty on wines from the customs, to which they now belonged, to the excise. That there were great and extensive frauds

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practised in this trade was a thing which no gentleman could possibly doubt, who was informed that the legal importation of wine at present was very considerably less than it had been 36 years ago, and at the same time considered that the actual consumption was in reality prodigiously increased. He stated the amount of the importation on average taken at several different times, by which it appeared that, admitting the consumption at present to be only equal to what it was 36 years ago, the revenue lost upwards of 280,000*l.* annually by the frauds which it suffered. The gentlemen on the other side of the House affected to differ with him in opinion on the subject of the national finances; they attempted to represent them in colours less flattering than those in which they appeared to him. But still, though in this respect they differed, there was one principle in which they could not but be of the same opinion, namely, that whatever might be the true and exact state of the revenue, yet unquestionably such was the general situation of the country, that there was no exertion to be spared towards rendering it as productive as possible, and that it was the duty of the Legislature to adopt every means for its effectual collection that the liberties and ease of the people would admit. A proposal in some degree similar to that which he was about to make, had formerly been in contemplation, and there was then so violent an opposition made to it, that it was thought proper to abandon it. The grounds of that opposition, if they were really well founded, appeared to him such as no considerations of revenue could or ought to countervail. It was then objected, that the proposal, if carried into effect, would be attended with such a number of bad consequences as to render it absolutely inconsistent with the constitution and good policy to adopt it; that it would be attended with a prodigious expense; that it would subject the people to a degree of slavery, by making their houses accessible at will to the officers of excise; and that, by increasing to a most extravagant degree, the number of those officers, it would add an insurmountable bulwark to the influence of the Crown in elections. He flattered himself no person could impute to him an inclination to diminish the force of those objections, provided they were well founded; but he trusted, that when gentlemen considered the different circumstances of the times, they would find, that however it was on the former occasion thought necessary to give way to the popular clamour which was then excited against it, yet at the present day there could be no reason for doing so. Indeed, the grounds of that popular clamour had long since lost their foundation. The excise, which at that time was only in its infancy, was now become pretty well understood; and it had been found by experience, to be the most effectual and the least expensive method of collecting such parts of the public revenue as it could with propriety be applied to. As to the expense of the measure now in agitation, it would amount to no more than 12 or 13,000*l.* per annum, a sum by no means to be put in competition with the frauds which it was intended to prevent; and the number of excisemen to be added would not be greater than 167, or thereabouts. Such an increase in the number, even were they entitled to vote at elections, would be extremely inconsiderable either in proportion to the advantage expected to accrue from the plan, or to the numbers at present employed. But, indeed, so much were former prejudices against this mode dissipated, that he did really expect, on the present occasion, when gentlemen had given themselves time to take a cool and temperate view of the business, he should have but very few, if any, dissenting voices against this proposal. He proceeded to explain the several ways by which the fraud in this branch was practised: a considerable part of it arose from the smuggling in foreign wine, without the duty, but a far greater portion arose from the brewage and adulteration of wine at home. From hence it followed, that no provisions could possibly be adopted in the customs, effectually to remedy the abuse; and it became absolutely necessary to subject the trade in some degree to the regulations of excise. He had, during the course of the preceding session, introduced a new check upon the smuggling of foreign wine, by making it necessary for every ship loaded with that article to produce a manifest of the quantity, signed by the consul at the port where it was shipped. The way in which the new regulations of excise should attach, would be by subjecting wine to a survey, and taking of stock, and to a permit on the transit from place to place. By this means, the internal manufacture would become liable to the same duty as the foreign importation, and it would be found difficult to

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commit the frauds in that branch which were at present practised. Even independently of considerations of finance, the general interests of commerce called loudly for some effectual prevention of this great abuse. The manufacture of home-made wine was in itself one by no means entitled to any indulgence; whereas by suppressing it (which the rendering it inevitably liable to the same duties as the wines imported, would in a great degree effect), a greater demand would arise for foreign wines, and by these means a more extensive market be opened for our manufactures in exchange; and so in return for a fraudulent trade, which did not contribute to the commercial welfare of the nation, and the only object of which was to increase the property of the individual by the imposition of a spurious article of consumption, which cheated both the consumer and the revenue, we should have an opportunity of circulating our various fabrics, in which the industry, the capital, and the navigation of the country were employed, and disposing of our woollens, our cottons, and our hardware, while at the same time we were improving the revenue by the use of a commodity which could not so easily elude the duty, as that miserable substitute which at present was imposed upon us, and which, he apprehended, no gentleman would wish to see continued, either from motives of a commercial or a convivial nature. This would be the consequence if the new regulation should transfer the consumption from the home wine to the foreign; but if it should only operate to lessen the consumption, then it would have this good effect; it would occasion a considerable increase in the distillery and brewery branches, which, besides being articles highly contributory to the revenue, were also closely connected with that great object of national importance, agriculture. He should expect to find the gentlemen opposite as anxious as he could possibly be, to forward and promote a measure which promised to yield such advantages; for on them it was particularly incumbent so to do, because by that means they would, in some measure, give a proof of their sincerity in the desponding representation they were so fond of holding out of the state of our finance. It would be unpardonable in the extreme for gentlemen who used such language, and who endeavoured on all occasions to express their apprehensions that a deficiency of income would be found in the place of that surplus which he had promised, to omit any measures which were at all consistent with the constitution and good policy, to change that deficiency which they expected, into that surplus which every friend of the country must naturally wish for. For his part, though he had no apprehensions of a deficiency, but was firmly persuaded that there was an existing surplus, yet he could by no means relinquish an opportunity of adding still farther to that surplus, when it could be done in a way so congenial, not only to the actual practice in many instances, but also to every principle of commerce and revenue. He was persuaded that if alarms had gone abroad on the subject of this plan, they must have arisen from misinformation; for it would appear to every gentleman, as soon as he should have explained how far it was to extend, and in what manner it was to operate, that any clamours or apprehensions on the ground of introducing a system of slavery, by opening the doors of all individuals indiscriminately to the officers of the excise, were by no means well founded. In the first place, there was no intention of making it a general excise, it being to be confined to those persons solely who dealt in wine; and so far from giving power to the excisemen to enter all dwelling-houses, it would not even subject the dwellings of the dealers themselves, but only their entered cellars and warehouses, to be searched. The committee would see by this how extremely confined in extent this new regulation would be; for, in fact, even of those on whom it was to operate, but a very few would have reason to complain of their situation being changed; for those who dealt in wine by retail, of whom there were in the kingdom about 5,000, having, in general, licences for selling spirituous liquors, their houses were liable to be entered by the officers to take stock on their spirits, and therefore they could have no plea whatsoever arising from any new inconvenience to which they were to become liable.

As for the wholesale dealers, they were a very respectable body of men, and every caution ought to be used to avoid laying them under any unnecessary restraints or inconveniencies: but it was to be observed, that to such of them as dealt fairly with the revenue, and regularly paid the duty, the new regulation would be a benefit instead of the contrary; because, by laying the unfair dealer under fresh difficulties, he would be relieved from the effects of a

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competition so unequal and destructive as that must always be in which the honest merchant has to contend with the smuggler. But surely the interests of the fraudulent trader ought not to be so far considered as to weigh against a measure which, by compelling him to do justice to the public, should hold out the fairest prospects of adding most prodigiously to the revenue. There would be some difficulty attending the enforcing this regulation on the sale of wine in bottles, but all imaginable care should be taken to render it as little inconvenient as possible to the trader. He hoped that gentlemen would not take advantage of unpopular names or worn-out prejudices, to create an aversion and excite an opposition to a measure which afforded a prospect of such signal advantage. Mr. Pitt moved, "That the duty payable on all sorts of wine in this kingdom do cease. That instead of the said duties, there be paid the sum of 35*l.* 14*s.* per ton on all French wines imported; and the sum of 17*l.* 17*s.* on all other wines imported."

Mr. Alderman *Hammet* disapproved of suffering a king's officer to be the sole judge between the subject and the Crown in cases in which questions deeply affecting the interests and property of individuals were involved. He must refuse his consent to any bill avowedly calculated to extend the excise laws. He, however, meant nothing disrespectful to the gentlemen who sat at the Board of Excise: he believed that they discharged their duty faithfully and ably; he knew several of them, and highly esteemed their characters. He submitted whether, by suffering an appeal to the court of King's-bench, to be tried by a jury, they would not take out the sting of the excise?

Mr. *W. Stanhope* thought the regulation might affect the merchants of Hull, his constituents, in a very unfair manner; since all of them dealt in wine in a certain degree, though it was not their general trade. They received wines in exchange for the articles of their exportation from the southern countries, and those they disposed of on the quays unadulterated; they were never put into warehouses or cellars, notwithstanding which they would now become liable to all the rigours of the excise.

Mr. *Dempster* begged to recommend to the House, the utmost circumspection in giving way to bills which materially affected the rights and liberties of the subject. He reminded the House of the general excise, which had thrown the nation into a flame in sir Robert Walpole's time: that, if he recollected, was no other than a proposition to put wines and tobacco under the excise. Was not this intended regulation respecting wines, somewhat of the same kind? and did it not go to the destruction of the favourite idea of every Englishman, that his house was his castle? The cider tax likewise had been repealed; because the suffering excisemen to enter men's houses was thought an odious and intolerable badge of slavery. In both these instances the people had resisted; and the consequence was, that it was thought wise in government to relax and abandon the rigour of the excise laws. Perhaps, though it might be right to resist then, the altered circumstances of the country might make it proper to submit now; and Englishmen had better part with a little of their liberty in order to support the revenue, and enable Government to set about diminishing the public debt, than continue to sustain the galling weight of such a load of taxes: he was by all means for paying their debts like honest men, and therefore he should not oppose the bringing in the Bill, though he thought 12,000*l.* a year no inconsiderable expense to the public, and 167 new excise-officers no inconsiderable addition to the influence of the Crown.

Mr. *Rose* observed, that the cider tax had been complained of as an intolerable grievance, because it empowered the excisemen to enter the dwelling-house of every individual; but the Bill moved to be brought in only subjected the dealers in wine to the visitation of the excise-officer, and even did not subject the private dwelling of a wine merchant or dealer to any such visitation.

Mr. *Bastard* thought, that a wiser way would be to lay an additional duty on sweets: he declared, that he had some doubts of the fact of so much more wine being drank now than formerly; but he begged to remind gentlemen, that the duty upon wines imported had originally been paid upon wine in the lees, whereas, of late years, it had been paid on neat wine.

Mr. *Fox* remarked, that if the proposed Bill would materially affect the rights and liberties of the subject, he could by no means consent that it should be brought in, because, he would never agree to any regulations which bartered away freedom and the constitution for revenue. In pro-

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portion as the necessity for additional taxes arose, so did it, in his mind, become the duty of ministers, to endeavour to adopt that mode of collection most palatable to those who were to pay the taxes: to vex the subject, and press him down with a load of heavy, though necessary taxes, and at the same time to goad and harass him with the most irksome mode of collecting them, was not to be justified even on the principle, that the most irksome mode of collection was the most sure mode of making them efficient. But gentlemen well knew, that taxes and regulations of taxes, depended altogether as to their being desirable on a comparison with other taxes and regulations. Thus, for instance, though putting wines under the excise might not be a pleasant thing to the parties to be affected by it, yet it might appear, upon comparison with some other tax, which must perhaps be laid upon the subject, if wines were not put under the exise, that the doing so was the preferable thing of the two. He had not heard the right hon. gentleman's opening; but there would be sufficient opportunities for discussing the subject, and therefore he should reserve himself till he saw the Bill. In the mean time, he professed himself ever ready to support taxes when necessary.

The *Attorney General* contended, that the Bill in no sort went to the support of the principle of a general excise; if it had, he would have been one of its most strenuous opposers.

Mr. Alderman *Sawbridge* said, that as every gentleman disclaimed a design to introduce a general excise, he wished them to consider what they were doing; putting articles of trade and commerce, article by article, under the excise, so that in process of time there would be a general excise.

The Resolutions were agreed to, and leave given to bring in a Bill founded thereon.

END OF VOL. XXV.

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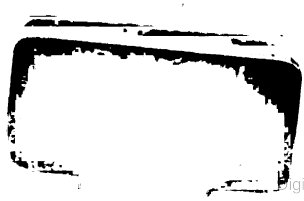

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